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## Legislative Assembly of Ontario

Second Session, 36<sup>th</sup> Parliament

## Assemblée législative de l'Ontario

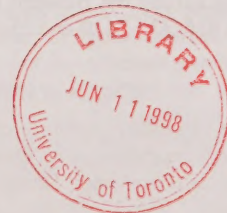
Deuxième session, 36<sup>e</sup> législature

# Official Report of Debates (Hansard)

# Journal des débats (Hansard)

Thursday 4 June 1998

Jeudi 4 juin 1998



Speaker  
Honourable Chris Stockwell

Président  
L'honorable Chris Stockwell

Clerk  
Claude L. DesRosiers

Greffier  
Claude L. DesRosiers



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## LEGISLATIVE ASSEMBLY OF ONTARIO

Thursday 4 June 1998

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Jeudi 4 juin 1998

*The House met at 0958.  
Prayers.*

### PRIVATE MEMBERS' PUBLIC BUSINESS

#### LOI DE 1998 SUR LE TRANSFERT DE PROGRAMMES ET DE SERVICES ET LES DROITS LIÉS AU FRANÇAIS

#### DOWNLOADING AND FRENCH LANGUAGE RIGHTS ACT, 1998

Mr Bisson moved second reading of the following bill:

Projet de loi 17, Loi confirmant que les droits liés au français ne sont pas touchés par le transfert de programmes et services provinciaux / Bill 17, An Act to confirm that French language rights are unaffected by provincial downloading.

**The Acting Speaker (Mr Gilles E. Morin):** Pursuant to standing order 95(c)(i), the honourable member has 10 minutes for his presentation.

**M. Gilles Bisson (Cochrane-Sud) :** J'aimerais premièrement expliquer pourquoi ce projet de loi est important.

Comme on le sait, le gouvernement provincial est, et sera dans les années à venir, dans la situation de transférer beaucoup des services provinciaux aux municipalités à travers la province. Comme on le sait, on a présentement dans la province la Loi 8 sur les services en français, qui a été établie il y a 12 ans, qui nous donne une garantie que, quand on est un francophone qui demeure dans une région désignée de l'Ontario, on a le droit sous cette loi de demander auprès de la province les services en français, sous les services provinciaux.

En d'autres mots, si je vais à l'hôpital dans la ville de Timmins, d'Ottawa, de London, Toronto et autres, j'ai le droit, comme francophone, de demander ces services en français auprès de la province, des agences provinciales ou des services en français directement reliés à la province.

Mais comme on le sait, le gouvernement provincial est présentement en train de transférer beaucoup de ces services aux municipalités. Par exemple, on sait que le gouvernement provincial veut transférer le système de logement aux municipalités; on sait qu'ils veulent transférer le système d'ambulances aux municipalités, pour n'en nommer qu'un couple, et une gamme d'autres services qui vont être transférés.

Le problème qu'on a, c'est qu'une fois que ces services seront transférés aux municipalités, les droit des francophones sous la Loi 8 seront perdus. En d'autres mots, la Loi des services en français garantit seulement les services provinciaux qui sont livrés par la province ou une agence de la province, non incluses sont les municipalités.

Le gouvernement provincial nous dit, quand on écoute le ministre délégué aux Affaires francophones : «Ne vous inquiétez pas, les francophones. On va vous protéger. Quand on fait le transfert de tous les services», dont j'ai nommé quelques-uns tout à l'heure, «on va garantir les services en français dans des ententes que l'on va signer avec les municipalités à travers la province.»

En d'autres mots, si la ville de Timmins ou Hearst ou Iroquois Falls ou n'importe quelle ville signe une entente avec un ministère pour avoir un service, le ministère va exiger à ce qu'il signe un contrat qui dit que la municipalité doit garantir des services en français. Le gouvernement prend la position que c'est adéquat et que cela respecte les services en français et donne les garanties aux francophones telles qu'on a présentement.

Moi, je ne suis pas d'accord, parce que quand on regarde ce que ça veut dire dans la loi, une entente n'a pas le même poids qu'un droit garanti dans un statut législatif. C'est pour cette raison que je veux être capable de faire passer ce projet de loi pour nous assurer et mettre au clair que les services en français vont être garantis.

On a l'exemple dont je viens de parler que les services ne peuvent pas être garantis dans une entente tels qu'il sont garantis dans une loi. On a justement une instance d'un projet de loi qui est présentement devant l'Assemblée, le projet de loi 108 sous le procureur général. C'est un peu la même situation. Le gouvernement transfère certaines responsabilités pour des offenses provinciales du procureur général des cours provinciales aux municipalités, aux cours municipales. Le gouvernement prend la même position avec cette loi quant aux transferts qu'il va prendre avec toutes les autres : «Ne vous inquiétez pas. On va faire une entente, on va signer une entente, puis ça va nous donner, les francophones, toutes les garanties qu'on voudrait jamais avoir avec les services en français.»

Le problème est que, quand on examine cette loi, quand on examine les ententes et quand on examine même l'amendement que le gouvernement nous a donné, les opinions légales qu'on a du bureau des conseils législatifs de l'Ontario, de Racicot Maisonneuve Labelle Cooper, de Genest Murray DesBrisay Lamek et d'autres avocats et compagnies qu'on a contactés nous disent que le gouver-



nement ne peut pas garantir d'une manière adéquate les services en français tels qu'on a présentement dans la loi si on les met dans une entente.

C'est pour cette raison qu'on demande au gouvernement de supporter mon projet de loi, sous mon nom mais un projet de loi qui est mis avant par le caucus NPD, pour dire : «Mettons au clair cette question. Les francophones ont travaillé trop fort, trop longtemps, trop dur pour avoir les petits droits qu'on a. Ce qu'on a, c'est la Loi sur les services en français qui nous garantit qu'on a, au moins dans les régions désignées, la capacité de demander des services en français de notre province. On ne demande pas au gouvernement de nous donner des droits qui n'existent pas à ce point-ci. On sait que le gouvernement n'est pas intéressé. Mais quand ça vient aux services en français, on demande au moins qu'on ne fasse pas un recul. On demande au gouvernement qu'on garde au moins ce qu'on a et qu'on garantisse sous le projet de loi mis en avant par moi et mon caucus NPD les services en français qui existent présentement.

Pour le gouvernement de nier cette demande, pour le gouvernement de voter contre ce projet de loi, dans mon opinion, ça me dit que ce gouvernement n'est pas engagé au point qu'il a besoin d'être engagé quand ça vient à la protection des services en français. C'est pour cette raison qu'on met en place ce projet de loi.

Je répète, on a travaillé trop fort dans la communauté francophone, on a oeuvré, on a travaillé, on a tout fait pour être capable d'avancer au point qu'on est. Je regarde les actions des groupes comme l'ACFO, je regarde l'ouvrage du père Thériault dans mon coin, je regarde l'ouvrage de M. Grandmaître, qui est ici aujourd'hui, qui est le père de la Loi 8, je regarde l'ouvrage que tous les francophones ensemble ont fait les dernières années pour être capables d'avancer les droits des francophones au point qu'on les a comme c'est là.

On demande au gouvernement de ne pas prendre un recul. On sait que le ministre va se lever tout à l'heure et il va me dire : «Inquiétez-vous pas. On n'a pas besoin de voter pour ce projet de loi parce que nous, le gouvernement conservateur de Mike Harris, allons garantir les services en français dans les ententes.»

C'est ça que le ministre, qui est ici, va nous dire, parce que c'est ça qu'il me dit quand il me parle en privé. Mais je veux lui dire publiquement à travers cette Chambre que ce n'est pas une garantie législative. C'est ça le problème. Et ce qu'on demande au gouvernement, c'est de nous donner au moins une garantie à travers un projet de loi et non une entente signée entre les municipalités et le gouvernement.

Non seulement une entente n'a-t-elle pas le même poids qu'un droit législatif ; l'autre problème qu'on a c'est que, quoiqu'il arrive, supposément, une municipalité signe une entente avec la province et dit : «Oui, on va signer une entente, pour trois ans ou cinq ans, qui dit "nous la municipalité X ou B allons garantir les droits des services en français tel que dans l'entente"».

Mais cinq ans plus tard, trois ans plus tard, à la fin de l'entente, ils reviennent à la province et ils disent :

«Monsieur la province, on n'a plus d'argent. Le gouvernement nous a coupé. Ils ont transféré une gamme de services qu'on ne peut plus payer. Les coûts du bien-être social, du logement, des ambulances et tous les autres services nous coûtent trop.» Et ils disent : «Monsieur le procureur général — ou madame la ministre de la Santé, ou n'importe quel service qui a été transféré dans l'entente — on ne veut plus avoir l'obligation de donner des services en français.»

Et ce n'est pas un processus public qui arrive à ce point-là. C'est un processus privé entre la municipalité et la province. Et à ce point là, il va y avoir assez de pressions des municipalités parce qu'on sait la direction où le gouvernement s'en va avec les coupures et le transfert des services aux municipalités. Il va y avoir beaucoup de pressions par les municipalités sur les ministres de la Couronne dans les années à venir de demander de réduire ces droits qu'on a présentement et d'ôter cette garantie dans l'entente. C'est un des points que je veux faire.

Le deuxième point : Qu'est-ce qu'on fait avec des municipalités comme Thunder Bay et autres qui ont présentement dans leur livre municipal une motion qui dit «Nous sommes anglais seulement» quand ça vient à livrer des services en français ?

Comment est-ce qu'on peut transférer un service provincial à une telle municipalité qui nous dit par entente qu'elle ne veut pas donner des services en français ? Le ministre va dire : «On ne va pas transférer les services dans le cas où les municipalités comme Thunder Bay disent "On est unilingue anglais." On ne les transfère pas.»

Excuse-moi. Penses-tu pour une seconde que la province ne va pas transférer tous ces services aux municipalités ? Eh bien oui, ils vont les transférer, parce que s'ils ne le font pas, toutes les municipalités à travers l'Ontario — une bonne gang, pas toutes — vont dire : «Tout ce que j'ai besoin de faire c'est de passer une motion pour dire que je donne seulement des services en anglais.» Il va y avoir une gamme de municipalités qui vont passer ces motions pour se protéger contre le dévouement des services provinciaux aux municipalités.

Quand le gouvernement va se lever tout à l'heure, il va essayer de nous répondre sur ces points-là en nous disant : «Inquiétez-vous pas. Ayez confiance en nous autres, fiez-vous sur nous. On va vous protéger.» Mais c'est bien trop dangereux et c'est bien trop sombre, toute cette affaire-là.

Premièrement les ententes, ce n'est pas une garantie législative ; deuxièmement, l'entente est quelque chose qui est signée entre la municipalité et le ministère et elle peut être changée dans le futur sans aucun procès public, ce qui veut dire qu'une municipalité peut revenir et demander à un ministre d'ôter cette section-là de l'entente, et les droits des francophones seront oubliés ; troisièmement, et ce n'est pas la dernière assignation, mais j'ai seulement 29 secondes, c'est comment traiter des municipalités qui disent : «On a passé des motions pour dire qu'on est uniquement anglophones ?»



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Or, je demande aux membres de cette Assemblée de tous les partis de faire comme on a fait quand on a passé la Loi 8, et que l'on envoie ensemble un message positif à la communauté francophone pour dire que tous les partis — ND, libéral et conservateur — votent en faveur du projet de loi parce que c'est le même projet de loi qu'on a eu sous les services en français et on veut envoyer un message positif à la communauté francophone.

**The Acting Speaker:** Further debate?

**Mr Ernie Hardeman (Oxford):** It's my pleasure to rise and speak to Bill 17, introduced by the member for Cochrane South. First of all, I want to say we have a slight problem with the title of the bill. I think the member's purpose is to deal with the realignment of services between the provincial and municipal governments in relation to the Provincial Offences Act. I would point out that some of the transfers generate revenue and some reduce revenue to municipalities. This is one that increases revenue to municipalities, and I would say that municipalities would likely have some concern with its being called down-loading. I think they appreciate the ability to raise funds.

Having said that, the goal of this bill is admirable: to confirm that the existing language rights protected under the French Language Services Act are unaffected by the provincial-municipal realignment of services and responsibilities. We support that goal. However, the government prefers an approach which will incorporate the flexibility to meet the needs of both the francophone community and those of the municipalities which will be providing services in French.

As a government, we believe services in French are important. Early in the local services realignment process the potential loss of acquired rights to services in French was recognized as a major issue. The government realizes that the francophone community is concerned about the transfer of provincial services and its impact on the delivery of these services in French.

We are certainly aware of the importance of maintaining French language services in the province's designated areas. That's why we will work in partnership with municipalities to develop options for the delivery of these services in French. In the transfer of provincial programs to municipalities, all service levels, including linguistic ones, will be negotiated on a program-by-program basis. There are obvious benefits to this approach. It allows the flexibility to choose the method of providing French language services for each program or service that is transferred.

Municipalities in designated areas are aware of the needs of their francophone residents and already provide a range of municipal services in French. In fact, a quarter of the municipalities located in the province's designated areas have either passed resolutions declaring themselves bilingual or have stated that they are in favour of minority language rights. Sixty-three percent of the francophone population in designated areas reside in these municipalities. I think this shows that Ontario's municipalities in

designated areas recognize and serve their francophone residents.

Our government believes our current course of action is the right one. It means that the provision of services in French will be rationalized based on the francophone community's needs, and builds on the existing services currently offered by municipalities located in designated areas.

In closing, the government will not be supporting this bill as we believe the strategy that we have developed will meet the needs of the francophone community. I would like to commend the member for Cochrane South for bringing this bill forward simply because it once again brings the importance of French language services to our attention.

**Mr Gerry Martiniuk (Cambridge):** The government shares the member for Cochrane South's concerns that French language services be protected as the province proceeds with the realignment of local services.

The Attorney General is pleased that the proposed transfer of Provincial Offences Act responsibilities provides an opportunity to enhance the provision of French language services. The framework provided by Bill 108 and the transfer agreement ensures that municipalities will be able to demonstrate their commitment to provide Provincial Offences Act French language services. Combined with monitoring and clear sanctions, francophones are assured that they will have access to the same level of bilingual service in the provincial court system as they do currently.

The Attorney General has consulted extensively with two major francophone associations: l'Association française des municipalités de l'Ontario, l'AFMO, which represents 45 municipalities serving 85% of the province's francophone population; and l'Association des juristes d'expression française de l'Ontario, l'AJEFO, which represents French jurists in Ontario.

L'AFMO, l'AJEFO and l'Association canadienne-française de l'Ontario, l'ACFO, support our approach to protecting French-language rights in the POA transfer.

L'AFMO has stated: "We accept your offer to participate in the review committee.... By participating, both associations can ensure that current services in French will be maintained."

L'AJEFO has written that "the government ensures respect for the basic principles of justice and for language rights by municipalities interested in signing an agreement with the Attorney General."

L'ACFO commented that "...linguistic rights and basic principles of law will be preserved when Ontario municipalities are transferred the responsibility for lawsuits and some provincial infractions." Further, they state, "We say kudos to the Ontario government."

Both l'AJEFO and l'AFMO will continue to work with us to ensure that our approach is effective. They have agreed to participate in the review committee that will monitor municipal performances and assess disputes. Our partnership approach ensures that French rights will be maintained in a flexible, cost-effective way.



We believe that this cooperative approach will do much more to foster the understanding between anglophones and francophones in this province than legislation possibly could. Our approach to protecting French-language services necessitates training and education, cooperation between levels of government and between francophone and anglophone organizations.

We believe that, in the long run, working together in this way will benefit Ontarians' access to French-language services more permanently and more profoundly than any attempt to legislate these rights could ever achieve.

**M. Bernard Grandmaître (Ottawa-Est) :** Première-ment, je dois vous dire que c'est le début d'un grand débat, parce que le gouvernement de l'Ontario est déterminé de dévoluer plusieurs de ses responsabilités au niveau municipal. Comme vous le savez, la Loi 8 n'oblige pas les municipalités d'offrir la même qualité, les mêmes services qu'au niveau provincial.

Pourtant, en 1986, lors de la présentation de la Loi 8, tout le monde était d'accord. Ils ont voté de façon unanime : le ministre actuel des Affaires francophones, M. Villeneuve, le premier ministre de l'Ontario, M. Harris, tout le monde était d'accord avec ce modèle.

Mais, par contre, aujourd'hui, le gouvernement de l'Ontario change le modèle. Comme l'adjoint parlementaire aux Affaires municipales, le député d'Oxford, a mentionné tantôt, «We prefer a different approach.»

Qu'est-ce que ça veut dire ? Ça veut dire qu'on veut détourner la Loi 8. On veut la détourner et se satisfaire. Quand je dis «se satisfaire», satisfaire le gouvernement, et c'est ça qui nous fait peur. Ce n'est pas que je n'ai pas confiance en le procureur général lorsqu'il parle de la Loi 108 et aujourd'hui du projet de loi de mon collègue Bisson. C'est que j'ai peur de ce gouvernement. Ça me fait peur, parce qu'on parle seulement d'un service aujourd'hui, les infractions.

Alors, voici que, comme mon collègue Bisson a mentionné, tantôt nous allons parler du logement, nous allons parler du service d'ambulance, nous allons parler d'une grande gamme de services qui seront dévolus au niveau municipal.

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On peut parler de l'ACFO, on peut parler de l'AJEFO, on peut parler de l'AFMO, on peut parler de toutes les «FOs», mais laissez-moi vous dire, j'ai confiance en ces gens-là, mais je n'ai pas confiance en la sincérité du gouvernement d'aujourd'hui, pour la simple raison que je me suis fait dire, en Chambre, après une question posée au ministre des Affaires francophones et une question semblable posée au premier ministre de l'Ontario : «Inquête-toi pas, Grandmaître, les services seront en place.» Mais, par contre, lorsqu'on pose la question au procureur général, «Est-ce que les municipalités de l'Ontario auront l'obligation d'offrir les services au même niveau que sous la Loi 8 ?» le procureur général nous dit, et je cite, le 1<sup>er</sup> juin, «This is a compromise which, in my opinion, benefits all parties. The government ensures respect for the basic principles of justice and for language rights by municipa-

lities» — écoutez bien — «interested in signing an agreement.»

Qu'est-ce qui va arriver aux municipalités qui refusent de signer une entente ? Est-ce que le gouvernement va obliger ces municipalités à respecter la Loi 8 ? La Loi 8, comme mon collègue d'en face vient de mentionner, n'oblige pas les municipalités à la prestation de services en français.

Monsieur le Président, j'ai peur du premier pas, du premier geste du gouvernement de l'Ontario, et ce n'est pas fini. Un jour, on se retrouvera en cour, chose dont je ne veut pas entendre parler. Je ne veux pas me retrouver en cour. Je veux que le gouvernement d'aujourd'hui reconnaisse que les Franco-Ontariens et Franco-Ontariennes ont un droit acquis par la constitution du Canada, et on veut que ces droits-là soient respectés en Ontario et à travers le Canada.

**M. Tony Silipo (Dovercourt) :** Je suis content d'avoir l'opportunité de dire quelques mots sur ce sujet, un sujet qui, je crois, touche d'une manière essentielle une question très importante, parce qu'il s'agit d'une question de principe.

Le gouvernement est en train de réduire, selon nous, selon mon collègue de Cochrane-Sud — et je le félicite pour l'initiative qu'il a prise de présenter ce projet de loi et le fait qu'il l'a fait après avoir essayé de convaincre le gouvernement, le procureur général en particulier, de faire des amendements au projet de loi 108, chose que le gouvernement refuse de faire, pour assurer qu'il y aura dans ledit projet de loi les mêmes protections pour les francophones de l'Ontario qui existent maintenant.

C'est ça la question essentielle. On sait que le gouvernement est en train de transférer du niveau provincial au niveau municipal beaucoup de services. Il s'agit ici de questions qui touchent aux tribunaux. Dans ce contexte, on sait que maintenant, dans la loi actuelle, comme on l'a déjà décrite, la fameuse Loi 8, il y a des protections, il y a des droits que les francophones ont demandé, en effet. Ils ont maintenant le droit absolu, on pourrait dire, je crois, à un procès en français, parce que dans le présent contexte, comme le bureau du conseiller législatif nous indique, une personne francophone qui tombe sous la protection des provisions de la Loi 8 a le droit à un procès qui serait conduit en français et en anglais. Donc, on a ce droit actuellement, et ce que le gouvernement est en train de faire, c'est simplement de réduire ce droit.

La protection qui existe maintenant est essentielle, est une protection de base, est un droit auquel on est arrivé à travers des discussions, à travers un consensus politique parmi tous les partis représentés ici à l'Assemblée de l'Ontario. Ce que le gouvernement de M. Harris est en train de faire aujourd'hui, et d'une manière particulière à travers la position qu'ils ont prise sur la Loi 108, c'est de réduire, de diminuer les protections et les droits de nos concitoyens francophones ici en Ontario. C'est donc une question de principes, une question sur laquelle il faudrait réfléchir sérieusement.

Si on commence ici à réduire, comme le gouvernement est en train de faire, les droits essentiels qu'ont les Fran-



co-Ontariens maintenant, on pourrait se demander jusqu'à quel point le gouvernement de M. Harris est prêt d'aller. Si on est prêt, comme le sont M. Harris, M. Harnick et le gouvernement de M. Harris, à diminuer les droits qui touchent les questions essentielles comme le droit au procès, qui font, comme vous le savez, la base de notre système démocratique, alors on pourrait vraiment se demander jusqu'à quel point le gouvernement est en train d'aller.

Ici il s'agit clairement de noter ce que le projet de loi 17 présenté par mon collègue M. Bisson de Cochrane-Sud est en train de faire. C'est d'assurer que si le gouvernement veut transférer certaines responsabilités du niveau provincial au niveau municipal, il faudrait avoir dans ces transferts et dans la loi qui permet les transferts de certains services, les mêmes protections pour les Franco-Ontariens qui existent maintenant. Il ne devrait pas être question de réduire, ou même la possibilité de réduire, ces droits.

Or, nous savons que le procureur général nous a dit plusieurs fois qu'ils allaient régler ce problème à travers une entente. Ils sont maintenant retournés ici à l'Assemblée législative en nous disant qu'ils étaient prêts à faire un petit amendement au projet de loi 108. Mais selon nous et d'une manière particulière selon les avocats et selon le bureau des conseillers législatifs, on sait que même avec l'amendement que le gouvernement veut présenter à la Loi 108, il n'y aura pas la même protection qui existe maintenant. Actuellement il y a, comme j'ai déjà dit, le droit absolu à un procès en français, mais même avec l'amendement que propose le procureur général à la Loi 108, il n'y aura pas la même protection. Il s'agira, comme nous disent les conseillers législatifs, à travers cet accord, et je le cite en anglais : «In other words, if an agreement required a municipality to provide a bilingual prosecutor and the municipality failed to do so, the failure would not by itself invalidate the prosecution.»

Il y a donc là un changement dans le niveau de protection qui existe. Même avec l'amendement proposé, le bureau des conseillers législatifs nous dit : «The failure to comply with the agreement results in prejudice to the defendant's rights to a fair hearing." That's essentially the proposal, the amendment of the government. In other words, failure to provide a bilingual prosecutor in accordance with an agreement might not invalidate a proceeding in every case, but it would invalidate a proceeding if the failure resulted in prejudice to the defendant's rights to a fair hearing.

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Donc, on change essentiellement la base de protection qui existe maintenant et les droits qui existent maintenant pour les Franco-Ontariens. Maintenant, ils ont le droit de demander que le procès soit en français. C'est simple, et ça devrait être les droits qui devraient continuer avec n'importe quel transfert de service de la part du gouvernement, du niveau provincial au niveau municipal. C'est une question simple. C'est une question de principe et donc, il n'est pas question de dire, «Avec des ententes on va régler le problème avec des autres amendements.»

Donc, ce que le projet de loi 17 de M. Bisson est en train de faire, c'est franchement ce que le gouvernement devrait faire : d'assurer que, dans ce transfert de services, il y aura pour les Franco-Ontariens de l'Ontario la même protection, les mêmes droits qui existent maintenant, droits qui, selon le projet de loi 108, ne seront pas au même niveau qui existe maintenant, et droits qui, selon de projet de loi 17 de M. Bisson, seraient garantis au même niveau qui existe maintenant. Donc, j'appuie certainement le projet de loi, parce que je vois dans ce projet de loi la prise de responsabilité de la part de M. Bisson qui, franchement, n'est pas là de la part du procureur général et du gouvernement de M. Harris. Chose que je trouve troublante, c'est que le gouvernement Harris est en train de commencer ici ce qui pourrait être le premier pas dans la réduction, la diminution des droits des Franco-Ontariens en Ontario. C'est quelque chose qui devrait nous préoccuper sérieusement.

Donc j'invite, j'encourage, les députés de l'Assemblée de tous les partis à appuyer la proposition de loi de M. Bisson, parce que ça donnerait un message clair au gouvernement de l'Ontario, à M. Harris, à M. Harnick, de dire que vous devrez réexaminer la question et être prêts à accepter cette proposition. Et certainement l'acceptation de ce projet de loi donnerait aussi à la communauté franco-ontarienne l'assurance que nous, comme députés de l'Assemblée législative de l'Ontario, sommes sérieux dans notre appui des droits des franco-ontariens ici dans cette province.

**L'hon. Noble A. Villeneuve (ministre de l'Agriculture, de l'Alimentation et des Affaires rurales, ministre délégué aux Affaires francophones) :** Ça me fait plaisir de participer au débat en deuxième lecture du projet de loi 17.

En 1986, je veux tout simplement vous rappeler que, sous un gouvernement de David Peterson et sous la direction de mon collègue d'Ottawa-Est, les trois partis ont voté en faveur du projet de loi 8, la Loi sur les services en français. La section 1 exclut les municipalités, de même que conseils locaux, au sens de la Loi sur les affaires municipales. Cette section décrit clairement que des municipalités ne sont pas assujetties à offrir les services en français. Par contre, même s'il était bien inscrit dans la loi, les municipalités se sont déclarées unilingues anglaises, unilingues françaises, bilingues, etc, si elles étaient dans une région désignée ou non.

Puis en 1990, nous avons même eu dans cette Assemblée deux débats sur les motions de l'opposition touchant sur les services en français, une motion de mon parti, ainsi qu'une motion du Nouveau parti démocratique. Dans la motion du parti NDP, une section s'inscrivait, et je cite, «qu'aucune municipalité n'est tenue de fournir des services municipaux en anglais et en français à moins d'une décision prise par ladite municipalité.» Je ne suis pas ici pour rouvrir des débats linguistiques, mais pour informer l'Assemblée qu'en tant que ministre délégué aux Affaires francophones je peux assurer que mes collègues au sein du Conseil des ministres et au caucus reconnaissent l'importance des municipalités dans les régions désignées s'offrir des services en français de qualité dans la livraison de leurs nouvelles responsabilités.

Ces incidents linguistiques ont quand même apporté un peu de lumière sur le sujet. Cinquante-huit municipalités se sont déclarées bilingues, ou ont exprimé qu'ils étaient en faveur des droits linguistiques minoritaires. Ceci représente environ 63 % de la population francophone en Ontario. Trente-six autres municipalités n'ont aucune objection à offrir les services en français. Cela représente un autre 23 % de la population, pour un total de 86 % de notre population francophone représentée par ces municipalités. Voyez-vous, ces municipalités ont su reconnaître l'importance de desservir leurs communautés et de répondre aux besoins locaux sans l'implication directe du gouvernement provincial.

Pour le reste de la population francophone, notre gouvernement est persuadé que les municipalités vont respecter les ententes et nous avons confiance en eux. Ces municipalités seront les mieux placées pour livrer les services de qualité de façon efficace et responsable à leur communauté, qu'elle soit anglophone, francophone ou bilingue. Les municipalités gardent leur autonomie, tout en respectant leur responsabilité linguistique. C'est pourquoi chaque programme — et je répète, chaque programme — sera négocié sur une base individuelle avec les gouvernements locaux et régionaux.

Par exemple, mon collègue le procureur général, sous son projet de loi 108, qui attend présentement le débat devant le comité plénier pour proposer officiellement son amendement, a consulté et négocié avec l'AJEFO, l'Association des juristes d'expression française de l'Ontario, et de l'AFMO, l'Association française des municipalités de l'Ontario. Ensemble, ils ont conclu une entente qui favorise le transfert d'infractions provinciales aux municipalités.

De même, l'ACFO, l'Association canadienne française de l'Ontario, les appuie haut la main dans leurs démarches.

La lettre du président de l'AFMO, M. Jean-Marie Blier, le maire de Hearst, exprime clairement à M. Harnick l'appui des municipalités francophones :

«Les outils et les moyens énumérés dans les annexes sont perçus par l'AFMO comme un ensemble de ressources indispensables pour la mise en oeuvre efficace de ce projet de loi et l'appui de nos municipalités membres. Les révisions au projet de loi 108 que nous avons discutées le 21 avril dernier vont persuader celles et ceux qui n'étaient pas encore convaincus, de l'engagement de votre gouvernement à la préservation des droits acquis linguistiques en Ontario. Le conseil d'administration et les municipalités membres encouragent le gouvernement et l'Assemblée législative de l'Ontario à approuver dès cette session le projet de loi 108.»

M<sup>e</sup> Tory Colvin, président de l'AJEFO, suite aux négociations indique dans sa lettre du 7 mai à mon collègue l'honorable Charles Harnick :

«Le gouvernement assure le respect des grands principes de la justice et des droits linguistiques par les municipalités intéressées à signer une entente avec le procureur général. La communauté franco-ontarienne bénéficiera du fait qu'en Ontario, les droits linguistiques sont associés aux droits statutaires et de la "common law". Je tiens à

vous remercier pour le résultat heureux auquel nous arrivons. En protégeant ainsi les droits linguistiques existants dans le cadre du transfert aux municipalités ontariennes de la responsabilité de poursuite en matière de certaines infractions provinciales et de certaines contraventions fédérales, vous êtes le premier gouvernement à spécifier clairement le droit à un poursuivant municipal d'expression française. Je me réjouis aussi que la formulation retenue assurera la prestation en français des services aux comptoirs.»

Nous voyons certainement que nous avons l'appui de la communauté francophone. L'intention du projet de loi de M. Bisson est conforme aux objectifs de notre gouvernement. Nous y avons même pensé. Mais après plusieurs consultations avec nos partenaires communautaires et municipaux, nous avons tous conclu que notre approche est plus pratique, plus flexible et même plus efficace à mettre en oeuvre. Vous pouvez comprendre que cette réforme est majeure et complexe. Le tout doit être bien planifié et détaillé afin de s'assurer que les francophones en Ontario aient accès à toute la gamme de services en français.

Depuis quelques semaines, M. Bisson est convaincu que les francophones vont perdre leurs droits à un tribunal en français. Notre gouvernement croit, au contraire, que les francophones de l'Ontario gardent leurs droits d'accès à des tribunaux en français dans le cadre de notre approche.

Je veux simplement rappeler à tous mes collègues, si le gouvernement Harris, qui a donné la gestion française et le financement équitable qui avaient été promis par les NPD, par les libéraux — le gouvernement Harris ont accompli ce qu'ils avaient promis.

*Interjection.*

**L'hon. M. Villeneuve :** C'est exactement ce qui c'est produit, monsieur Grandmaître.

Nous avons présentement plus de 184 organismes qui sont désignés à offrir leurs services en français. Le tiers de ces organismes ont été désignés sous notre gouvernement depuis 1995.

Le collège d'Alfred maintient son mandat comme le seul collège francophone agro-alimentaire en Amérique du Nord hors Québec.

*Interjection.*

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**Le Président suppléant :** Alors, s'il vous plaît, monsieur le Ministre. Le député d'Ottawa-Est, s'il vous plaît.

**L'hon. M. Villeneuve :** En terminant, je peux vous assurer que les services et les besoins de nos francophones vont être bel et bien rencontrés et comblés.

**M. Jean-Marc Lalonde (Prescott et Russell) :** C'est avec grand plaisir que je prends la parole sur ce projet de loi 17. Je peux dire que nous allons définitivement appuyer ce projet. Pourquoi ? C'est que je suis vraiment désappointé d'entendre la position que prend notre ministre responsable des Affaires francophones au sujet des francophones au-delà de la langue française ici-même en Ontario.

C'est qu'après le dépôt et après avoir participé au débat de la Loi 108, M. le ministre responsable des Affaires



francophones ainsi que son collègue nous ont dit que les services francophones et les services linguistiques seront protégés à l'intérieur de la Loi 108. On nous dit que l'AFMO, l'ACFO ainsi que l'Association des juristes d'expression française de l'Ontario ont dit qu'ils supportaient le gouvernement. Mais c'est bien beau de dire que «nous supportons le position du gouvernement.» Mais le gouvernement n'a jamais dit que ça ne ferait pas partie de la Loi 108.

Donc, c'est facile de dire, «Nous allons nous assurer à ce que les droits linguistiques soient protégés pour les francophones de l'Ontario tel que stipulé dans la Loi 8.» Mais d'après moi, le projet de loi que mon collègue de Cochrane-Sud vient de déposer ce matin, c'est pour protéger les droits linguistiques des francophones hors Québec.

Lorsque nous analysons la position que ce gouvernement prend envers les francophones hors Québec ou francophones de l'Ontario, nous avons raison d'être inquiets parce que, à chaque fois que nous essayons de dire — nous avons ici des lettres d'avocats qui s'y connaissent en droits linguistiques, et ils disent clairement que la langue française des francophones de l'Ontario n'est pas protégée à l'intérieur de ce projet de loi-là.

Nous savons qu'actuellement avec le dépôt du projet de loi — c'est pour ça que nous débattons le projet de loi de notre collègue de Cochrane-Sud — nous n'avons aucune garantie que les droits francophones seront respectés par ce gouvernement. Nous n'avons qu'à regarder. C'est le début de la fin de la Loi 8. Quand je dis «le début de la fin de la loi 8», M. le ministre vient de mentionner : «C'est laissé à la discrétion des municipalités si elles veulent donner le service aux francophones de l'Ontario.»

Mais rappelons-nous que le gouvernement a décidé de mettre en place un service aux francophones assuré dans 23 régions de l'Ontario. À l'intérieur des 23 régions, cela veut dire que nous avons rencontré des critères établis afin de reconnaître les services en français aux citoyens et citoyennes de l'Ontario. Mais le gouvernement n'est pas prêt à respecter la clause de la Loi 8. Avec ça, encore une fois c'est le début de la fin de la Loi 8. Nous regardons la Loi 108, et actuellement nous reconnaissons que beaucoup de services seront transférés aux municipalités.

Je n'ai qu'à regarder dans mon secteur en l'est ontarien, Prescott et Russell, pour savoir que souvent des services ambulanciers ne sont donnés que par des anglophones lorsqu'il vient le temps d'apporter des services additionnels si des ambulances sur place sont déjà partis avec un autre service ailleurs.

Donc, actuellement dans mon comté nous avons au-delà de 20 % de la population qui ne dit pas et ne parle pas un mot en anglais. Lorsqu'on va parler de services de santé, c'est très difficile de dire, «J'ai mal à la tête», ou «J'ai mal à l'estomac» si on ne sait pas le dire. Donc, l'ambulancier va essayer d'apporter des services aux patients selon les mots qu'ils vont mentionner.

Mais nous regardons le service policier. Actuellement, oui, c'est bien. Je les encourage, les municipalités, d'aller acheter des services de la Sûreté provinciale de l'Ontario. Mais par le temps qu'on va pouvoir arriver à s'assurer à ce que tous les policiers de la sûreté provinciale, qui

devient sûreté municipale, plus parler dans les deux langues, on doit s'assurer un service de langue française à tous les citoyens et citoyennes de Prescott et Russell, mais aussi dans le reste de la province. Il n'y en a pas que dans mon comté qui ne parlent que le français. Il y en a certainement dans le nord et dans le sud de l'Ontario, mais ces deux points.

Ensuite, nous avons les services de santé. Le bureau de l'est de l'Ontario actuellement qui dessert cinq comtés — on nous dit dans la rapport de restructuration des soins de santé de SDG et Prescott et Russell que nous avons seulement 14 % ou 18 % de francophones. C'est encore faux. On dit en Ottawa-Carleton 14 % ; on a complètement oublié Prescott et Russell dans la restructuration des soins de santé à Ottawa. Est-ce que c'est fait exprès par ce gouvernement pour s'assurer à ce qu'on ne continue pas les services aux francophones de l'est ontarien aussi bien qu'a travers la province ?

Lorsque je regarde l'ACFO, l'AFMO, l'Association des juristes, ils ont dit au gouvernement : «Oui, c'est très bien. On l'accepte». Je me rappelle un matin à Radio-Canada où on disait que tout était beau et clair, que le gouvernement avait consenti à s'assurer que des services seraient donnés dans les deux langues. C'est faux. Il n'y a aucun garanti. Lorsque nous avons eu le débat de la Loi 108, les deux ministres se sont levés ici en Chambre et ils ont dit : «Oui, c'est assuré.» Mais quand on ajoute donc à la Loi 108, on n'en est pas capable. C'est parce qu'on essaye de dévier afin qu'un jour on puisse dire : «Les francophones de l'Ontario, si vous êtes prêts à apprendre l'anglais, allez-vous-en ailleurs qu'en Ontario. C'est ça que j'ai dit lorsqu'il est arrivé le débat pour l'accord de Calgary. Encore là, on s'en va dans le même sens.

Je trouve regrettable que ce gouvernement n'accepte pas de mettre ces clauses dans la Loi 108. Définitivement, j'espère que la Chambre en entier supportera le projet de loi 17.

**Ms Marilyn Churley (Riverdale):** I want to congratulate Gilles Bisson, the member for Cochrane South, for putting forward Bill 17 this morning. However, I'm dismayed that we're even here debating this today.

In 1986, Bill 8 was introduced in this House and was supported by all three parties. Mr Speaker, I know you were here at that time, and if you were in your seat today — I know you're neutral now — you would be speaking, I'm sure, in favour of Mr Bisson's bill, because I know how strongly you feel about it. We've talked about this.

Bill 108 cannot guarantee French services as they exist today. We know that. The government is trying to find ways around that in the way they're speaking today, but we know exactly what it means: This is an erosion of the rights guaranteed under Bill 8. Mr Speaker, as I think you said to me, it hurts no one. Why start eroding that? At the end of the day, once that erosion starts, it may be small now but it will grow over time.

In my view, it's a very dangerous thing we're doing here today and it should be taken extremely seriously. It seems perhaps like a small thing, but it's a very dangerous

move since the all-party support for Bill 8, which guarantees these services.

I was appalled when the member for Oxford said that all it means is flexibility to reflect the needs of the francophone community and the municipalities that provide for them. Well, "flexibility" can be a very dangerous word. In this case, it could mean certain rights for some people in some municipalities and no rights or not the same rights, equal rights, for people in other municipalities.

The minister himself said it. He said that he has faith in the municipalities, essentially. Well, let's talk about what happened in Thunder Bay. That is one example, isn't it? The council there proclaimed Thunder Bay as unilingual. Recently, I know the new council tried to overturn that, and they couldn't get the votes to do it. Is this the kind of province we now have under the Tory government, where we're allowing the rights of the francophone community throughout Ontario to be eroded because of their downloading?

Let's really get real about what's happening here. This has to do with downloading. We know that municipalities are under a great deal of financial stress, and we know that certain services are going to have to be cut. We know there are going to be more user fees, we know there are going to be tax increases and we know there are going to be services cut. Our fear, when we talk about flexibility to the municipalities, is that some municipalities are going to cut some of those services. The province, in my view and I think in the view of most Ontarians, has the responsibility to make sure that the rights of all our citizens are upheld. I think it's a disgrace that this is happening. Over the years, as my colleague Gilles Bisson said, and some of the other members from both the Liberal Party and the NDP, in the past the Tory party, the francophones of the Tory party, have fought alongside the people from the francophone communities all over the province for their rights.

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To see a party, any party, come into this House and start literally eroding those rights is dangerous, and I think it should be fought vigorously. Given all the issues people are having to face across the province these days, this one is getting lost; this is getting lost in the mix. But in my view and certainly in the view of my caucus, and I'm hearing it from the Liberal caucus today, this is a pretty big issue. I think, as with many of the services that people, various minority groups, have fought for across the province for a number of years, we're seeing the erosion overall across the board.

I'm speaking in English about this. I would ask that English-speaking people be aware in their communities that their francophone friends and neighbours may soon be losing some of those services they fought so hard over the years, with the support of their anglophone neighbours, to get, and start writing letters, start faxing, start demanding that this government pay attention. It appears as though they're not going to support Mr Bisson's bill today. I think that's a disgrace. He's not asking for anything new, just to keep what we've got; don't even open the door to the possibility of some of those rights being taken away.

I would urge people to support this bill today. It's very, very important.

**M<sup>me</sup> Annamarie Castrilli (Downsview)** : Je veux ce matin appuyer catégoriquement le projet de loi 17 de notre collègue néo-démocrate, Gilles Bisson de Cochrane-Sud. C'est un projet de loi très important parce qu'il clarifie de nouveau la position de beaucoup dans cette province.

C'est très important de reconnaître que c'est la Loi 108 qui est le problème. C'est une loi qui vraiment réduit les droits des francophones, des Franco-Ontariens dans cette province.

J'ai entendu ce qu'a dit le ministre des Affaires francophones, et le procureur général avant lui à une autre occasion, et c'est clair que nous sommes d'accord que ce n'est pas nécessaire de réduire les droits des francophones. C'est pour ça que je ne comprends pas leur obstination à ne pas clarifier la situation. Je ne comprends pas pourquoi ils ne disent pas une fois pour toutes que les droits linguistiques des francophones qu'ils ont dans cette province depuis la Loi 8 soient garantis une fois que les services seront transférés aux municipalités.

Je me demande si c'est une question de préjudice, de vrai préjudice d'une position en faveur de certaines municipalités et contre les droits d'une minorité dans ce pays, dans cette province, la minorité francophone. Je ne veux pas croire qu'on parle de racisme mais il est vraiment très difficile de comprendre la position de ce gouvernement aujourd'hui.

Le ministre des Affaires francophones a cité la position de certaines organisations francophones, et je dois lui dire que ce n'est pas complètement honnête, ce qu'il a dit. En fait, si l'on regarde la position de l'Association des juristes d'expression française, ils sont très clairs. Permettez-moi de citer la position des juristes. Ils disent en effet dans une lettre au procureur général qu'ils appuient la Loi 108 dans la mesure où il y aura incorporation par référence des droits linguistiques des francophones.

Mais si on regarde la Loi 108, il n'y a pas cette incorporation par référence. Alors c'est un support, mais un support qualifié de la part de ce groupe. C'est la même chose avec l'Association francophone des municipalités parce qu'ils sont reliés un peu à la position des juristes. Alors, on ne peut pas croire en la position de ce gouvernement dans ces choses.

We have numerous letters and critics of this government's position. All they need to do is clarify that linguistic rights in this province are guaranteed.

I just want to cite a couple. I won't go through the whole body of evidence against this government's position, but I just want to read from the London Free Press, a Tory bastion at best, and what they have to say about this:

"French-speaking Ontarians deserve to have their day in court in the official language in which they are most comfortable.

"It is not a favour to francophones to provide that service. It is something they are entitled to."

Now is not the time to weaken official language rights in our province. To do so would be to open the door for Quebec Premier Lucien Bouchard to gain more fuel for his



separatist fire. Ontario should not be a party to that, nor should it be a party to denying francophones their rights in this province.

Je veux dire simplement au gouvernement que c'est le temps d'agir de façon noble et de respecter les droits de la minorité francophone dans cette province.

**Le Président suppléant :** Monsieur le député de Cochrane-Sud, vous avez deux minutes.

**M. Bisson :** À tous mes collègues des partis néo-démocrate et libéral qui ont parlé en faveur du projet de loi et qui vont voter en faveur ce matin, je veux dire merci. On voit que les deux partis d'opposition comprennent et ont gardé une position qui est consistante avec la position qu'on a prise ici il y a 12 années, c'est à dire qu'on doit donner des assurances législatives aux francophones quand ça vient à la protection des services en français dans la province.

Je veux dire deux affaires à deux membres du gouvernement ; premièrement au député d'Oxford. Dire qu'ils veulent garder une flexibilité pour les municipalités et qu'ils veulent prendre une approche différente me trouble et me fait peur. Cela me dit que c'est le commencement de la fin quand ça vient aux services en français. On sait bien qu'avec les changements que vous faites, les municipalités vont avoir le droit d'éroder les services en français.

Au ministre délégué aux Affaires francophones, je veux dire seulement ceci. C'est une tradition que les ministres de la Couronne ne viennent pas se prononcer sur un projet de loi d'un membre privé. Aujourd'hui, le ministre des Affaires francophones, le ministre nommé à siéger au Conseil des ministres afin de parler pour les francophones, est venu dans cette Assemblée pour nous vendre et essayer de nous faire passer un sapin faisant affaire avec ce que son gouvernement a fait à la communauté francophone. Il vient ici comme un vendu pour nous dire ici que ce gouvernement —

**Le Président suppléant :** Monsieur Bisson, ce n'est pas un mot que j'accepte. S'il vous plaît, le ministre est un honorable ministre, et je vous demanderais de rétracter, s'il vous plaît.

**M. Bisson :** Je le rétracte. Je dis que, pour le ministre de venir ici aujourd'hui et de parler d'une telle manière dans cette Assemblée et nous dire qu'il est en train de protéger nos services en français, c'est, comme on dit en anglais, «a stretch».

Que le même ministre essaie de prendre le crédit pour les affaires que notre gouvernement a fait quand ça vient à protéger les services en français, je pense, dit des volumes de ce ministre.

**The Acting Speaker :** The time for the first ballot item has expired.

#### RED LIGHT CAMERA ACT, 1998

#### LOI DE 1998 SUR LES DISPOSITIFS PHOTOGRAPHIQUES DE FEU ROUGE

Mr Colle moved second reading of the following bill:

Bill 20, An Act to amend the Highway Traffic Act to improve Safety at Highway Intersections by providing for the installation and use of Red Light Cameras / Projet de loi 20, Loi modifiant le Code de la route afin d'améliorer la sécurité aux intersections de voies publiques en prévoyant l'installation et l'utilisation de dispositifs photographiques de feu rouge.

**The Acting Speaker (Mr Gilles E. Morin):** Pursuant to standing order 95(c)(i), the member has 10 minutes for his presentation.

**Mr Mike Colle (Oakwood):** I am here today basically trying to get the provincial government and the members of this House to support the installation, really, of safety devices which are normally called now red light cameras.

What the bill is really asking for is that the government give permission to municipalities which so choose the right to install these safety devices. It's not forced upon different jurisdictions, but if they wish to have these cameras installed at high-collision intersections, hopefully this legislation will allow them to do that.

Just to give you the origins of this bill, about two years ago there was a very unfortunate accident in my own community at Dufferin and St Clair, where a red light runner ran through an intersection at high speed, crashed into a streetcar island and hit and injured 10 people who were standing waiting for a streetcar and killed a gentleman, a constituent of mine. At that point we approached the municipal officials and looked for ways of making sure this would never happen again.

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What came up basically was that there was one technology or one approach that helped to stop this red light running, as they call it, happening. They recommended that this technology, which was being used in the United States, Australia and many European countries, could help prevent red light running. That's where this bill really germinated from.

Over the last couple of years I've worked with members of the Metropolitan Toronto council; I've been working with police chiefs like Julian Fantino, the police chief of London, and Chief Boothby here in Toronto, who have been supporters of this technology, along with community groups and school groups that feel this is one part of the answer in terms of ensuring this epidemic of red light running doesn't continue.

In terms of how these devices work, essentially the camera only takes photographs of vehicles that cross into the intersection after the light has turned red. That's when it's activated, when the light has turned red. If you're typically caught in an intersection sometimes trying to make a left-hand turn, that isn't considered a violation. It's the direct running of a red light, red on red, and that is who they're trying to stop.

If you look at this red light running, as you know, we are hearing more and more about it. At first it seemed it was maybe an exception, but it seems it isn't an exception. There are a growing number of violations where people are running through red lights and it's reached, as some people have said, epidemic proportions.

I know that in the city of Toronto there are about 1,800 intersections. The estimates are that every 12 minutes one of these red lights is run. The problem with the red light running is that usually it's associated with high speed and it's usually associated with catching other drivers or pedestrians unaware. It's a total surprise. Usually these accidents that occur at intersections are much more severe in terms of personal injury and fatalities, and also in terms of damage to vehicles etc. They are generally more serious accidents than your normal accident because of the speed and the right-angle collisions that take place.

In looking at this technology, it's quite clear that wherever it has been installed — in Queensland, Australia; in San Francisco; in the UK; in New York City — it has acted as a deterrent. The incidence of red light running has been reduced and the number of collisions generally are reduced at those intersections by about 30%.

That's not to say you would have a camera at every intersection. These are for high-collision intersections. In all our communities, in all our ridings, we usually have one or two intersections that are considered dangerous. The police know about them, we know about them, and our constituents ask us to do something about them. This is where those cameras would be deployed, at the high-collision intersections. Generally speaking, the police officers in our communities know which ones they are. These cameras would act as a way of making us think twice.

It's ironic. In talking to people recently about this issue, one of the things they're saying is that because there has been more awareness about red light running, people are starting to think twice, as I am. What I've been told by a number of people recently is that as they're now slowing down for the red, they're being almost rear-ended by people behind them because they're stopping for the red.

There have been reports given to me about people being passed when they stop for the red. This is what we've come to. It's not just a Toronto or a Hamilton situation. This is all over North America, and I think international, because of, I guess, pressures in the workplace and the increasing number of motor vehicles. There is what they call road rage.

I know they were saying that 20 years ago in Toronto people used to actually stop when the light turned amber or orange. Now, as you know, that's very seldom the case. People not only don't stop at the orange lights, they don't stop at red lights, surprisingly enough. The worrisome thing is that we have grown accustomed to thinking that green means okay and that red means stop, but that is changing. It is becoming a situation where, as one of the police officers in Toronto said, one of the most dangerous things we have is a fresh green light. People, by instinct, think when the light turns green they can go.

It's important that we do something to bring back some civility to our roads, and especially at intersections, where red has to mean stop. These cameras have worked. They have made people become more cognizant of the severe penalties for bodily injury etc. They have worked all over the world where they've tried them.

I know the technology is sometimes debatable. I know the Premier mentioned the fact that he would prefer the frontal technology that takes a picture of the driver's face. That's available and it's used in San Francisco. They take a picture of the licence plate plus the driver's head. The problem with the frontal technology is that generally it's more expensive and there are all kinds of variations with weather, with light, with what the driver is wearing or not wearing, and it's not as effective.

If we could get this bill to committee, those kinds of changes and pilot projects on various technologies could be worked out. I'm not saying there's just one technology, but the one that universally seems to work, according to police forces in Australia, the UK and the United States, is taking a picture of the licence plate.

I know there are privacy concerns, but the privacy concerns would probably be greater if you took a picture of the driver. Taking a picture of the licence plate would be less intrusive and, generally speaking, it's much more enforceable in terms of issuing a fine.

The number of accidents involving red light running is increasing. The Toronto police report there's been a 30% increase in the incidence of red light running over the last three years alone, so it is not an issue that's going to go away. We have to have a comprehensive program and education. We can use all kinds of other means of promoting safety at intersections, but I think the cameras are one integral part.

I know some people say, "We can have extra policemen." The problem is, there aren't the resources. I know police chiefs across Ontario said they don't have the resources to be at all these intersections. You can imagine a city like Toronto with about 1,800 intersections. You can't have them. If we can get more police officers, fine, but the police need technological support.

This is a technology that makes the police do their job better. It allows them to do other things, and it goes hand in hand with good road safety. That is why it's a complement to what the police are doing and what I think the public is demanding.

1110

**Ms Marilyn Churley (Riverdale):** I am standing in support of Bill 20, Mr Colle's bill. This is private members' hour and because of that I'm not going to take a lot of time ribbing the Liberal Party for not supporting the NDP's photo-radar. I think if Mr Colle had been here he would have, given his passion for this issue and particularly what happened in his own riding.

We're talking about a safety issue here. We're talking about the fact that somebody died in Mr Colle's riding. Of course we know that's not the only incident over the past while where people have been killed or maimed, standing innocently on street corners, by drivers who have gone through red lights. It's a very serious issue.

This is a private member's bill. As I look around, I would say that all of the members in the House at the moment — except perhaps for myself and the Speaker — weren't here during the time we brought in photo-radar. I know the arguments of the time. Some of them were, quite



frankly, just political, because we were doing it and the opposition said, "Because you're doing it as a government, it's bad." But there were some concerns expressed about privacy and individual rights and that sort of thing.

I keep coming back to this situation, as I did with photo-radar, that we're talking about safety and we're talking about people's lives. We're talking about the fact that when people get behind the wheel of a car, it can be a weapon. It kills people. Vehicles kill. It's not the vehicle, of course, it's the driver. But that is the reality and we all know that. We have to take it very seriously.

I would say to those government members who have said they oppose this, that they want to put more police officers on street corners, that that's ridiculous. We don't have the resources to do that, and even if we had the resources to put more police officers out there, why would we do that? When we need police officers in so many situations these days, why would we do that when sophisticated technology exists? We are in the 1990s. This is what it's all about. We can use this technology to our benefit and this is a perfect example of where we should be doing that.

I would like to speak personally for a moment. I ride a bicycle. I've been riding a bicycle for many years now in the city of Toronto.

**Mr Alex Cullen (Ottawa West):** Tell us.

**Ms Churley:** I can't even remember when — since I was a kid in Labrador but the roads were pretty safe there. Here in Toronto, for a number of years now. I ride my bike everywhere. I ride my bike downtown. Some of you have seen me here at Queen's Park with my helmet. I like to ride my bike, but I'm riding it less and less these days because I'm scared. There have been a number of deaths of cyclists, not particularly at red lights but in unsafe traffic.

I am scared. I recognize what Mr Colle is saying personally, both from driving my car and from the fact that I do stop at ambers. I have had almost that same situation he described, of somebody nearly running into me, people beeping their horns angrily because I stop at an amber. They're mad because I didn't go through that red light so they didn't get the opportunity to go either. People get very angry about it. It's happening more and more.

We don't ever get to make a left turn any more on an amber. It's always on a red, absolutely always now. It is common. That's the way it is. That is dangerous, and it's happening more and more. You see the car just boot it as the light is starting to turn red, and you see it more and more, just going right through the red light.

As somebody who rides a bicycle, I am getting more and more nervous about doing so. This road rage is very real. When I was on Toronto city council I chaired the city cycling committee for a while and we worked, at least here in Toronto — I know there are other such committees across urban areas — to educate drivers about cyclists, and yes, cyclists about safe riding, safe cycling, as well. But the reality is that there are a lot of people out there now when I'm riding my bicycle who don't want me on the road and they make that quite clear.

I try to obey the road rules as a cyclist, but there are times, even when obeying those rules and having my place on the road, when I feel I'm in danger, quite frequently now, because drivers are getting more and more impatient. If you're a cyclist and you're out there on the road, they often see you as an impediment.

These are the kinds of conditions we're facing more and more, either as we walk as pedestrians — I think the bill before us today deals more specifically with that, with the fact that we could have children standing at bus stops on corners, and it's happened and they have been hit by cars.

Before I close, I want to pass on a little tip I heard on CBC Radio the other day. Andy Barrie was talking. I had forgotten all about this but it's true. It reminded me that when we're sitting at street corners sometimes, waiting to make that left-hand turn, waiting for the light to change, we turn our wheel ready to make that turn. He made a very good point, that we shouldn't do that because if you're rear-ended from behind and you have your wheel turned to make that left turn, what'll happen is your car will go up on the curb, it'll go in that direction, whereas if you keep your wheel straight ahead, if you're rear-ended, you will just go out into the traffic.

I know that has been something that years ago I heard and I forgot all about, and as soon as he said that, I thought, yes, I do that sometimes, that impatience, just to be ready to get going. Part of that is because often when you're waiting to make that left-hand turn, you know you're going to be waiting until the light turns red because the other traffic will keep on going, and you know you're going to really have to boot it to make that left-hand turn at all. I thought that was a very good tip and something people should think about as they're waiting on that corner to make that turn. I would like to thank Andy Barrie for that tip.

I would like to close by saying to all members of the House that we should pass this bill today. We should get it out to committee. We should then at committee stage deal with the kinds of concerns that some of the government members have expressed. This would be a good step forward. I see this as the kind of bill that we can work together on in a non-partisan way, all three parties, because we're talking about the safety of our citizens and the safety of our constituents.

This would give us an opportunity to work together to make sure we do what we can as legislators to try to protect people and to do what I think we're here to do, and that is, if there's a problem within our society, we see it and try to find ways to fix it.

**Mr Jack Carroll (Chatham-Kent):** It's my pleasure this morning to join in the discussion on the member for Oakwood's bill regarding the issue of installation of red light cameras.

I don't think there's any question the government is committed to working with municipalities to solve this problem. This is a problem, though, that reflects the deterioration of society's respect for rules, a society that's in

too big a rush. This is more than an issue of installing red light cameras.

We've already talked about the fact that we're prepared to look at raising fines for running red lights, that we're prepared to look at the idea of community safety zones, municipalities being able to designate community safety zones where fines could be doubled. But the real solution of course is to have more police officers patrolling those areas where there are known problems, and in actual fact providing a fine to the operator of the vehicle and thereby merit points, impacting their right to drive.

The member for Oakwood identified 15 problem intersections. If they are that easily identifiable, I don't understand why the city of Toronto would not increase enforcement at those intersections as they did in a blitz not that long ago. The increased income they would generate from the fines could then be used to pay for those police officers, because obviously they would expect that the increased fines would pay for the red light cameras.

It's interesting that the Liberals have this idea that we should fine vehicles. Mr Hoy, the member for Essex-Kent, had an idea about people who pass school buses: Let's just fine the cars; to heck with the drivers if we can't identify them, we'll just fine the cars. I wonder where this would all go. What Mr Colle would suggest is a further proliferation of this. Should we use those cameras to fine jaywalkers at intersections, because that's a danger. Should we use the cameras to take pictures of people who go against the "Don't Walk" signs, because that's an issue. There are lots of issues.

There's nobody who is more of a danger on the road than drunk drivers. Technology is there to have ignition air lock systems to prevent drunk drivers from driving. I guess if we want to target something, maybe we should target that rather than red light runners.

If you want to get really silly about this, you could say: Should we set up cameras to monitor houses? Then, when we can't identify the people who are participating in the illegal activity, should we find the owner of the house? That would be the next step we would move to.

1120

I'm certainly in favour of increased law enforcement. We have lots of rules and regulations on the books and we should enforce more of them. It scares me, though, as I see us, and the members of the opposition especially, flirting with photo-radar and then flirting with Mr Hoy's bill about finding cars that pass school buses regardless of whether we can identify the driver: we'll just find the car on the word of the school bus operator. Now we're talking about red lights set up in intersections to find cars that go through intersections.

I would hate to think that we live in an Ontario where George Orwell would be right that big government will be looking over our shoulder in every single thing we do. We need to make a determination as a society: Do we want to educate people and do some societal things to recreate that sense of respect for law and order? Or do we want to set up a monitoring system that is so oppressive that every move we make is monitored day in and day out?

I don't think that's the direction in which we should be going. My Ontario, as I envision it in the future, is not an Ontario like George Orwell described. I believe that Mr Colle's bill will continue to lead us down that slippery slope of government monitoring all the activities of our lives because we, as citizens, are not prepared to obey the rules of the province. For those reasons, I will not be able to support the bill from the member for Oakwood.

**Mr Dominic Agostino (Hamilton East):** I'm pleased to rise today in support of the bill introduced by my colleague from Oakwood. I think it is a progressive piece of legislation. It's a bill that's long overdue. I want to commend my colleague for the hard work and effort — this is not a one-day issue — that Mike Colle has put into this and the drive he has started across Ontario in support of this bill. This is not a question of being Orwellian or a question of invasion of privacy; this bill is a question of public safety and nothing else.

In my own community, just in the last eight months, we've had two tragedies: a 12-year-old girl was killed in December at an intersection as a result of someone going through a red light; a week ago, an individual driving a vehicle was killed in a collision in the middle of an intersection as the result of someone going through a red light. In my community the increase in violations of cars running red lights at intersections went up by 27% last year.

The evidence is overwhelming that it is a deterrent. The evidence is overwhelming that it works. Frankly, I'm astonished that government members and the minister, who has not had the courage to come out and take a stand in favour of this, would somehow play politics and play games with this issue of public safety.

The member for the government spoke about policing at intersections. Yes, in an ideal world, if you had a police officer at red lights, you could cut down dramatically. Police departments have many things to do. Traffic enforcement is one of them. But it's ironic that the government would speak about this at the same time as they've cut police budgets across Ontario. Municipalities can't just pick police officers out of the air. You cut police budgets, you reduce the funds available and then you say, "The answer is to have more police officers out there." Talk about doublespeak.

The member for Hamilton Mountain, Trevor Pettit, one of your own members — but I know this government's not going to allow him to speak to the bill today — has had a petition in Hamilton with over 2,000 signatures in favour of this. I'll quote what Mr Pettit says, "I disagree entirely with their philosophy on this particular issue," in regard to your government's position on cameras at intersections. Mr Pettit won't be allowed to speak today, interestingly enough. You've muzzled him because he supports this bill.

What we're talking about here is giving municipalities the power to choose to install these cameras at intersections where they believe the greatest dangers occur. It has not been imposed on anybody. You've given municipalities that choice and they best know where the dangers exist, where the most problems are and where they can



improve public safety. But it really is a question of public safety. It is a question of public safety here and, yes, the owner of the vehicle has to bear some responsibility. Yes, you go after the owner, because if I am going to loan my car — or someone else is — to an individual, then I've got to take some responsibility that comes with that. So there is going to be some mechanism so we can deal with the driver and the owner.

This bill may have some changes that are necessary. We can send it to committee and make the necessary changes if we want to make sure that we crack down on the driver rather than necessarily the owner, if that is the will of this government. There is room to move here, but there is not room or time for the government to kill this bill today. The message you'll send out to Ontarians is that you talk the talk but you don't walk the walk. You're the big, tough, law-and-order guys. You've got your crime commissioners, you know, the Mod Squad, running across Ontario talking about crime. Here you've got a clear opportunity to act, you've got an opportunity to take a responsible step and to say to the people of Ontario: "We want to protect you. Public safety is foremost in our minds."

Ontarians support it. Polls have shown that over 70% of Ontarians support this, the vast majority of drivers support this, but you are bent on some philosophical kick of yours that you're going to block it today and you're going to block it from coming forward. I find it absolutely astonishing that you allow blind ideology to dictate and rule over public safety. I think it's irresponsible, I think it is bad public policy decision-making, but I think, most of all, you are risking the lives of Ontarians every single day at intersections across this province by refusing to act.

Again, I urge the government members who have been whipped into shape by the Minister of Transportation on this issue, having been read the Riot Act by the Minister of Transportation, to look at their own communities and ask themselves how many intersections they can think of in their ridings where this would help public safety. I'm sure you can name intersection after intersection. I ask you to think of those people. I ask you to think of the 12-year-old girl who was killed in December in Hamilton when you are speaking to this issue. I ask you to think of the safety of your constituents and to move away from really playing, as I said earlier, cheap philosophical politics with this issue. This is an issue that goes beyond political lines.

I ask you to look at the results. If it was proven that it was not going to be a deterrent, then I don't think any of us would be sitting here today saying, "Let's do it for the sake of doing it." This is not here to be a revenue-maker for municipalities, for police departments. This bill is there to work as a deterrent, because I can tell you if individuals know that at certain intersections there are red light cameras and they're going to get nabbed, they are going to slow down, they are going to stop, they are not going to go through a red light.

But if you take that away it's hit and miss. If a police officer happens to go by an intersection or be there when it happens then, yes, you will do it, you'll stop if you see

him, and you'll get nailed if you go through it. But in most cases police officers do not have the time to sit at intersections or to blitz, as they did a few weeks ago, here in the city of Toronto. They don't have that opportunity, they don't have that time, they don't have that resource, because you've taken that away from them.

I want to commend my colleague the member for Oakwood for the leadership he has shown in this and I want to ask the government members to look at this from the point of view of the safety of children, of pedestrians, of the elderly, of people in your community and to do the right thing. Put aside the gamesmanship here, put aside the political games; do what is right, what is good for the people of Ontario. Protect them and approve this bill today.

1130

**Mr Gilles Bisson (Cochrane South):** I rise in support of this bill from the member for Oakwood. I want to say that it's always a brave man, it's always somebody who has a certain amount of courage, who can change his position on something at certain periods of time. We know at one time the Liberal caucus was opposed to the photo-radar technology. It seems they've changed that position, and I commend them for that. I'm not going to take the political shot that I can take. I just want to congratulate the Liberal caucus for changing their position and now endorsing the photo-radar technology approach as they start to realize that technology such as photo-radar can play a very important role when it comes to making our roads safer for both the motoring public and those pedestrians who walk along the sidewalks and cross streets in their municipalities.

I want to say, however, I'm a bit disappointed in the government's position on this. I think when individuals cannot change their minds in the face of reason, it says something about the capability of those individuals when it comes to making good decisions for Ontario. We know from example after example after example, through jurisdictions across North America and outside North America, that technologies such as red light radars or photo-radars, whatever you want to call them, usually work. We have seen over the period of time that technology has been put in place that it saves lives.

I ask a very simple question: What is it that the government doesn't like about saving lives? Why are they opposed to an initiative that would ensure that somebody in this province who is alive today will not die in a car accident because somebody ran a red light? Why would they not want to put in place legislation that would protect that life? I can only think that (a) it's an ideological position that the government is taking, or (b) this government just does not want to be seen as changing its mind on anything.

We know the Mike Harris government, then the third party in opposition to the NDP government, had opposed photo-radar on our highways when the Bob Rae government, under the leadership of Mr Gilles Pouliot, had put in place photo-radar. Let me go back and revisit that a bit, because I think it's quite telling.

Just recently I drove from St Catharines to Toronto. I had an aunt of mine who passed away on the weekend and I had to drive to St Catharines and back. I'm just amazed that, as a driver on the Queen Elizabeth Way or on the 427, on one of those major highways, I could be driving at the speed limit of 100 kilometres an hour and have cars passing me on both sides, inside lane and outside lane, zooming by me at 130 kilometres and 140 kilometres per hour. The medium speed on those highways is 120 kilometres to 125 kilometres per hour. We know that speed kills, but this government chooses to do nothing about it.

We had an opportunity for a short period of time, when photo-radar was put in place, to have certain highways patrolled by photo-radar. What was the effect of that? I remember the first time I came out of the airport parking lot in Toronto and pulled on to the 427 after photo-radar was put on, coming on to the ramp that leads eventually on to the 427 from the airport, I had to put my brakes on. In the past when I got on to a major highway, I was so used to the traffic going at 120 kilometres an hour that, just by instinct, I came on to the freeway at a speed I would normally do, and the speed was actually down to what it should be at about 100 kilometres per hour.

The point I make is that we know photo-radar worked. Why? Because the medium speed of people driving on those highways when photo-radar was in place was slower than it is now.

The other thing that's interesting, if you go back and look at the stats, the stats will demonstrate there were fewer accidents under photo-radar, which means we saved injury and death to the motoring public in Ontario, saved money to our health care system and, as well, we found there were actually fewer problems with traffic when people drove at a reasonable speed.

When people were driving at the speed posted on the speed limit, you had far fewer traffic jams on the QEW and the 401 than you have now. What causes a traffic jam on those highways is that people are coming along at 120, 130 klicks down the QEW, they get to the old Humber bridge, before they did the fixing, and people slow down. They put their brakes on, just touch them, all the traffic behind them slows down and you end up with a traffic jam.

The point I make is, we know that initiative worked. This member, the member for Oakwood, is saying, "We want to take that photo-radar technology as it was applied under the NDP government, put it on street corners and capture people who are rushing through red lights and putting people and themselves in danger when it comes to being struck by a car." I think that is a good idea, and I commend the member for Oakwood and the Liberal caucus for having brought this forward. They've changed their position from when we were in government, and for that I give them full credit because we know that initiative would save lives.

There was one member, the member for Hastings-Peterborough, who spoke earlier and I really thought it was interesting because he went on to talk about how this initiative was something Orwellian. He was quoting

George Orwell and felt that somehow government introducing photo-radar was like Big Brother moving in to tell people what to do. He gave analogies that the government would then put cameras on people's houses to take pictures of people as they walked out the door, and they'd have cameras all over.

Give me a break. Do you think the people in the province of Ontario are silly enough to believe what the member for Hastings-Peterborough said? This initiative is strictly about capturing people as they —

**Mr Ernie Hardeman (Oxford):** Chatham-Kent.

**Mr Bisson:** I correct the record. It was the member for Chatham-Kent. Those photo-radars being used on inter-sections are only going to capture those people who are running a red light. It's not going to be put outside your front door to capture you and spy on you as walk out of your house.

It brings me to the point that this government makes a big thing about being tough on crime. They've got their crime bosses they have travelling around the province through this crime commission, trying to give people the impression that they're tough on crime and, oh, boy, this government's just going to whack all those criminals and whip 'em right into line.

But every time this government gets an opportunity to do something that's progressive and something that will have an effect, they run the other way. That tells me they're not serious, it's nothing but fluff, it's smoke and mirrors, and when this government have the opportunity to do something concrete, they run in the opposite direction because it is not in keeping with the message they're trying to give to the Reform base they're trying to appeal to in Ontario.

I urge all members in this House, Tories, New Democrats and Liberals alike, to support the resolution from the member for Oakwood. It's a positive step that will save lives in the end, and to vote against it says: "I don't care about those lives. I'm willing to see them go."

**Mr John Hastings (Etobicoke-Rexdale):** I would like to address this issue of red light running in its broadest perspective. I want to make sure we have on the record the Ministry of Transportation of Ontario's and the government of Ontario's position on red light running, and the specific set of solid policy initiatives that we have already made with regard to this issue.

First off, with the Road Safety Week which is now going on in at least 24 municipalities throughout this province, the folks in the various communities that are involved in a whole set of activities involving Road Safety Week and the ministry itself have already set out the top priority of red light running or amber light running — either, if you want to look at it — in stressing the importance of preserving public safety on our highways and in our municipalities through the public education initiative that we have already taken.

That is ongoing in terms of trying to ensure through public safety the importance of preserving safety on our roadways for our younger children and for all the citizens of Ontario. That is one of the key ways in which this



government sees that you can deal with the issue realistically instead of posing.

The second specific way we've already taken action and have provided leadership far in advance on this issue is that the government has committed itself to working with the municipalities to improve intersection safety in Ontario. We have announced our intention to raise the current minimum fine from \$60 to \$150. That is another clear way in which we are demonstrating action and leadership on this issue in a realistic way.

Third, that can be followed up, and already is, by effective police enforcement on this whole situation. We have already announced through various initiatives and through the budget \$150 million over five years to enhance policing initiatives for dealing with a whole set of public safety challenges, including this particular problem.

Fourth, the acting Solicitor General has introduced legislation through the Community Safety Act to ensure that municipalities that so wish can designate community safety zones for which furthering, doubling fines for red light running offences will apply. So here are again, looking at it in terms of the penalty provisions of the \$60 minimum to \$150 for red light and amber light running, we're looking at it through the Community Safety Act and through increased initiatives in terms of \$150 million for policing.

Furthermore, I want to set on the record a letter that was sent to Chief Boothby, the chief of police of the Toronto Police Service, on March 19 this year. I want to quote from the minister our position regarding this particular situation:

"Unfortunately, it is our understanding that current technology does not allow this goal to be achieved. We are, however, willing to consider proposals to introduce red light cameras if a municipality can demonstrate the following three criteria:

"(1) The program identifies and charges only the driver with the offence, not the vehicle owner.

"(2) The program is acceptable in terms of satisfying Ontario's Information and Privacy Commissioner's concerns.

"(3) The municipalities pay for provincial services required to assist in the administration of the program on a cost recovery basis."

Here we have on March 19 a letter sent under the signature of the minister, Tony Clement. I think that clearly sets out what we are doing in dealing with this issue. I hope that people, members of this House, will look at what we have already accomplished and at what is required in terms of satisfying criteria when you're dealing with emerging technologies.

I will wind up and conclude that putting together these types of initiatives is one of the key, effective ways of dealing with this ongoing problem; not only that, but when you link it up with convictions in the courts, you will ultimately have demerit points on the driver's record. That is key and important when you link that up with potentially higher rates for insurance to drive a vehicle in this

province. Hence, those ranges of initiatives are effective ways of responding to this issue.

1140

**Mr Cullen:** I'm very pleased to join this debate on Bill 20. I want to applaud my colleague the member for Oakwood for this initiative. I have to tell the members here that I served on the city of Ottawa municipal council and on the council of the regional municipality of Ottawa-Carleton, and at both those councils there has been strong support for the introduction of red light cameras so we can control the carnage that's occurring at our intersections.

Everyone in this hall knows that all politics is local. When you go door to door, sure, people may want to talk to you about the big-picture things, but everyone wants to talk to you about what's happening on their street. I want to let folks know what is happening on their street.

Recently the Ottawa Citizen ran a letter to the editor from Linda Wagar of Ottawa. Linda Wagar is the mother of Sophie, aged 3, and five-month-old Justin. I'm going to read this letter into the record because I think it establishes the case why we should move forward with this bill, why we should be doing something to protect the lives of innocent people when they walk out in good faith to cross the streets in our own communities.

That's what we're talking about: public safety. How best can we deal with public safety? How can we stop the terrible loss of life, the unnecessary loss of life because of some few thoughtless people? We have this problem. We as a government ought to be addressing it.

She begins her letter by saying:

"I can't sleep because in the last four months I have twice been a victim of motorists who run through red lights.

"In one incident, my husband and I drove with our two children to Conroy Pit to walk our dog. I remarked on how little traffic there was. After walking our dog with both children in their respective strollers, I decided I would take a longer walk with our son, who had by then fallen asleep.

"My husband drove home with our daughter and dog. I walked to the corner of Hunt Club and Conroy roads with the intention of returning home along the nearby bike trail.

"As I proceeded to cross the road with my son in the stroller, I remember feeling the impact of a car swerving to avoid hitting us. I remember thinking that I was not going to be hit, but my five-month-old son was about to be. I also remember looking at the light to see if it was indeed green and it was green. I remember looking at a dirty red sporty car driving away, and then slowing down a bit, but choosing not to stop.

"I remember thinking my baby is alive, I am alive. I ran across the road, even though the light was still very green and there was technically no need to run.

"A couple in a van, obviously shaken by witnessing the event, stopped to see if I was okay. I was surprisingly calm and told them yes, of course I was all right. They informed me that the car had missed the stroller by no more than a foot. The woman gave me her business card in case I needed a witness.

"I don't, however, need a witness. I am lucky. I am lucky because my son is alive and sleeping upstairs. I don't need a witness because there was no blood, no ambulance ride, no emergency trauma unit, no little casket for my little one.

"If what I write can make a few people slow down and maybe even stop running red lights, this will be good. I hope that with time I will stop reliving the stress this has caused me. Meanwhile, I remind myself that my son is alive, my three-year-old daughter has a brother, my husband and I still have a son."

That was written by Linda Wagar from Ottawa.

This is what we're trying to deal with, the safety of our citizens as they go about their business, their lives, and cross our streets. This is what the city of Ottawa, the regional municipality of Ottawa-Carleton and many, many other municipalities have asked this government: to give them the authority to put into place these red light cameras. Why is it we can put parking tickets on cars but we cannot photograph them when they violate the law? Why is it you can drive on Highway 407 and pay for your toll because someone took a picture — this government took a picture — but you cannot take a picture of someone who has run through a red light and endangered all our lives? It is wrong.

I want to read to you the motion that was passed by the regional municipality of Ottawa-Carleton at a regional council meeting:

"Whereas there are over 55,000 motor vehicle collisions at intersections throughout Ontario every year; and

"Whereas red light cameras can dramatically assist in reducing the number of injuries and deaths resulting from red light runners; and

"Whereas the installation of red light cameras at dangerous intersections has proven to be successful in Australia, Germany, the Netherlands, Norway, Sweden, Switzerland, Singapore and the UK; and

"Whereas there is a shortage of police officers; and

"Whereas the collisions at these intersections are resulting in serious injury to pedestrians, cyclists and motorists; and

"Whereas the provincial government has endorsed the use of a similar camera system to collect tolls on Highway 407; and

"Whereas mayors and concerned citizens across Ontario have been seeking permission to utilize red light cameras;

"We, the regional municipality of Ottawa-Carleton, request that the government of Ontario support the installation of red light cameras at high-collision intersections to monitor and prosecute motorists who run red lights."

This is what we ask. We ask that this government approve this bill at second reading. Send it to committee. We can work out the kinks, if there are any kinks. Quite frankly, I think the member has written an extremely responsible bill.

I cannot accept the comments from the members opposite who say, "Simply better public education, higher fines, more police officers." I have to gag at the comments

made by the members opposite. Why did they cut \$8 million from the regional police budget from the regional municipality of Ottawa-Carleton if they believe we should have more police at the intersections safeguarding the safety of our citizens?

I ask them now to stand up and support us. Don't simply talk it, walk the walk. The lives of our citizens in our communities, people you know, are at risk. Please support Bill 20.

1150

**Mr Doug Galt (Northumberland):** I've been listening to this debate very intently and I think the Liberals have finally lowered themselves to an all-time low in flip-flops on this particular issue.

First, the original resolution that we were going to debate at this time was brought in by the member for Hamilton East and was going to be one on the environment, and he has exchanged and is now in position 96. I gather, because of the length of the term, his will never now never come up. He indicates how committed he is to the environment, but yet he steps out and isn't even going to use it. I was really looking forward to that particular debate.

Listening to the member for Ottawa West who was speaking just a few minutes ago, he was the only person in this whole assembly to vote against the Calgary accord because it didn't enshrine the charter of rights. He was talking about there was nothing to ensure due process. And now what is he speaking on? Something that doesn't support due process.

*Interjections*

**The Speaker (Hon Chris Stockwell):** Stop the clock. Order, members.

**Mr Agostino:** How many more people have to get killed?

**The Speaker:** Member for Hamilton East, I want to warn you to come to order. Thank you. The member for Northumberland has the floor. He may speak to the bill as he sees fit. Please allow him that opportunity.

**Mr Galt:** Thank you, Mr Speaker, for being able to return to this important bill that's been brought forward. I do compliment the member for bringing this forward and for expressing his real concern about this particular issue, but you have members in his own party who are flip-flopping, and of course this is a flip-flop in position.

I was interested in hearing the member for Riverdale when she spoke. She was talking about enjoying biking. Her name was on the list for kickoff for bike week and I was really disappointed that she wasn't there to take part in the kickoff for bike week. Unfortunately, I guess she wasn't able to make it.

**Ms Churley:** On a point of privilege, Mr Speaker: That was a really low blow. As you are aware, a very good friend of mine died recently and it was a very difficult week for me. I think that was inappropriate. It's the first year in nine or 10 years that I have missed that Bike to Work Week. I wasn't doing too well that day. However, the member might like to know that I did ride my



bike to work that day and rode it home that night, and continue to ride it.

#### *Interjections.*

**The Speaker:** Member for Oakwood, that's out of order. You must withdraw the comment you made.

**Mr Colle:** I withdraw.

**The Speaker:** Member for Hamilton East, those words are out of order. I said that yesterday. You must withdraw those comments.

**Mr Agostino:** Withdraw it.

**The Speaker:** Member for Northumberland, you have to be very careful about commenting on members' whereabouts. I don't know where they are and I don't want to start getting involved in trying to determine where they are. It would be helpful if you would stick to the crux of the bill. I would appreciate it.

**Mr Galt:** My apologies to the member for Riverdale and the present circumstance she's in. I was unaware of that.

In connection with this particular bill, has anyone ever really asked, what is the problem? Is the problem related to road rage or is it related to the competitive nature of Canadian drivers, our hurry-up lifestyle, or it is related to trying to escape from the squeegee kids, and rather than stopping and being attacked by them, are we trying to get through these red lights? Why do normal, law-abiding, average citizens run red lights? Nobody has really ever asked to have a good look at this.

I'm told that drivers here in Toronto are probably the worst in North America. What indeed is the root of that particular problem? I would suggest that this proposal is about trying to treat the symptom, not looking at the real disease problem. What we're going to do is treat the symptom and let the patient die, and that's not in order whatsoever.

I suggest that what's needed here is some sort of modification of our social behaviour, as people are driving and it's certainly not acceptable behaviour. In the past some things like education and enforcement have been very successful; things like enforcement, the recent test that was run in Toronto where some 1,400 people were charged for running red lights. It really changed the driving attitude, the driving patterns here in the city of Toronto. I was very impressed with that particular change. That would appear to be the route we really should be going.

There's been tremendous reduction in the serious accidents here in Ontario, and I would suggest that has been related to things like the RIDE program reducing drinking and driving, the use of seatbelts and also the graduated licence for beginning drivers. This is all about education and enforcement. I suggest that is the proper approach to take with getting rid of and helping with the running of red lights here in Ontario, and particularly in the city of Toronto.

There is no question that our government is committed to working with municipalities if they have some suggestions on how the driver who is running red lights in an illegal manner can be identified and can be properly

charged. Once a municipality comes forward with this — and at this point in time we have not had a municipality come forward — we will address it in the most thorough manner.

**Mr Rick Bartolucci (Sudbury):** I can't understand why anybody in this House would not support this legislation. Aren't we in Ontario supposed to be about saving lives, protecting our neighbours, protecting those things that we find precious, which are life, limb and property? Isn't it important that everyone in Ontario understands that their elected members want what's best? This legislation is what's best for the people of Ontario. I cannot believe that anyone in this House would be voting against it.

**The Speaker:** Member for Oakwood, to summarize.

**Mr Colle:** I want to thank all the members, on both sides of the House, for participating, except for the member for Northumberland. I thought that low comment about the member for Riverdale was the worst comment I've ever heard in this House. I think it was disgusting.

I'll just wrap up by saying that I think the comments made by the Reform-a-Tories on that side — not all of the members of that side, but the Reform element of the Mike Harris government — just show that they're about stupidity and ideology when it comes to this bill.

**The Speaker:** Member for Oakwood, that's out of order. It's not parliamentary.

**Mr Colle:** I will take it back.

The people of Ontario are worried about safety at intersections. There are 55,000 collisions at intersections; 80% of these accidents that occur as a result of red light running are serious accidents that maim and kill people. They're asking their government to do something that other jurisdictions are doing that works. That's all they're saying. Municipalities are asking for it. The mayor of Ajax today faxed me and said: "You have my full support. I have been personally dismayed at the adamant refusal of the government not to take the appropriate action on this matter." Police chiefs want this to take place, because they know they don't have enough police officers.

For this government to vote against this bill, what they're saying is that they're going to put their Reform ideology ahead of basic public safety. They really are putting, as I said, politics ahead of something that makes sense, something that will save lives. I really wonder what's going to happen when you do cross an intersection.

#### LOI DE 1998 SUR LE TRANSFERT DE PROGRAMMES ET DE SERVICES ET LES DROITS LIÉS AU FRANÇAIS

#### DOWNLOADING AND FRENCH LANGUAGE RIGHTS ACT, 1998

**The Speaker (Hon Chris Stockwell):** Mr Bisson has moved second reading of Bill 17.

Is it the pleasure of the House that the motion carry?

All those in favour, please say "aye."

All those opposed, please say "nay."

In my opinion, the nays have it.

RED LIGHT CAMERA ACT, 1998  
LOI DE 1998 SUR LES DISPOSITIFS  
PHOTOGRAPHIQUES DE FEU ROUGE

**The Speaker (Hon Chris Stockwell):** Mr Colle has moved second reading of Bill 20.

Is it the pleasure of the House that the motion carry?

All those in favour, please say "aye."

All those opposed, please say "nay."

In my opinion, the nays have it.

Call in the members. It will be a five-minute bell.

*The division bells rang from 1158 to 1203.*

LOI DE 1998 SUR LE TRANSFERT  
DE PROGRAMMES ET DE SERVICES  
ET LES DROITS LIÉS AU FRANÇAIS

DOWNLOADING AND  
FRENCH LANGUAGE RIGHTS ACT, 1998

**The Speaker (Hon Chris Stockwell):** All those in favour of Bill 17, please rise and remain standing to be recognized by the Clerk.

**Ayes**

Agostino, Dominic  
Bartolucci, Rick  
Bisson, Gilles  
Castrilli, Annamarie  
Churley, Marilyn  
Colle, Mike  
Cullen, Alex  
Curling, Alvin  
Duncan, Dwight

Gerretsen, John  
Grandmaître, Bernard  
Gravelle, Michael  
Kennedy, Gerard  
Kwinter, Monte  
Lalonde, Jean-Marc  
Lankin, Frances  
Martel, Shelley  
Martin, Tony

McLeod, Lyn  
Morin, Gilles E.  
Patten, Richard  
Phillips, Gerry  
Pouliot, Gilles  
Ruprecht, Tony  
Sergio, Mario  
Silipo, Tony  
Wildman, Bud

**The Speaker:** All those opposed, please rise and remain standing to be recognized by the Clerk.

**Nays**

Arnott, Ted  
Baird, John R.  
Barrett, Toby  
Carroll, Jack  
Elliott, Brenda  
Ford, Douglas B.  
Fox, Gary  
Galt, Doug  
Gilchrist, Steve

Grimmett, Bill  
Hardeman, Ernie  
Johns, Helen  
Johnson, Bert  
Jordan, W. Leo  
Leadston, Gary L.  
Martiniuk, Gerry  
Maves, Bart  
O'Toole, John

Ouellette, Jerry J.  
Pettit, Trevor  
Rollins, E.J. Douglas  
Ross, Lillian  
Sheehan, Frank  
Tilson, David  
Villeneuve, Noble  
Wood, Bob

**Clerk of the House (Mr Claude L. DesRosiers):** The ayes are 27; the nays are 26.

**The Speaker:** I declare the motion carried.

*Interjections.*

**The Speaker:** Order. You know what? I need some order, members.

Should the bill be referred to the committee of the whole?

**Mr Gilles Bisson (Cochrane South):** Mr Speaker, I ask that the bill be referred to the standing committee on general government.

**The Speaker:** Is there a majority in favour?

All those in favour, please rise.

The majority is in favour. It is therefore referred to general government.

The doors will be open for 30 seconds between the votes.

RED LIGHT CAMERA ACT, 1998  
LOI DE 1998 SUR LES DISPOSITIFS  
PHOTOGRAPHIQUES DE FEU ROUGE

**The Speaker (Hon Chris Stockwell):** We're now dealing with second reading of Bill 20.

All those in favour, please rise all at once and be recognized by the Clerk.

**Ayes**

Agostino, Dominic  
Arnott, Ted  
Bartolucci, Rick  
Bisson, Gilles  
Bradley, James J.  
Castrilli, Annamarie  
Churley, Marilyn  
Colle, Mike  
Cullen, Alex  
Curling, Alvin  
Duncan, Dwight  
Elliott, Brenda  
Fox, Gary  
Gerretsen, John

Grandmaître, Bernard  
Gravelle, Michael  
Grimmett, Bill  
Hardeman, Ernie  
Johns, Helen  
Kennedy, Gerard  
Kwinter, Monte  
Lalonde, Jean-Marc  
Lankin, Frances  
Martel, Shelley  
Martin, Tony  
McLeod, Lyn  
Morin, Gilles E.  
O'Toole, John

Ouellette, Jerry J.  
Patten, Richard  
Pettit, Trevor  
Phillips, Gerry  
Pouliot, Gilles  
Ross, Lillian  
Ruprecht, Tony  
Sergio, Mario  
Sheehan, Frank  
Silipo, Tony  
Wildman, Bud  
Wood, Bob

**The Speaker:** All those opposed, please rise all at once and be recognized by the Clerk.

**Nays**

Baird, John R.  
Barrett, Toby  
Carroll, Jack  
Ford, Douglas B.  
Galt, Doug

Gilchrist, Steve  
Johnson, Bert  
Jordan, W. Leo  
Leadston, Gary L.  
Martiniuk, Gerry

Maves, Bart  
Rollins, E.J. Douglas  
Tilson, David  
Villeneuve, Noble

**Clerk of the House (Mr Claude L. DesRosiers):** The ayes are 40; the nays are 14.

**The Speaker:** I declare the motion carried. Shall this bill be referred to the committee of the whole House?

**Mr Mike Colle (Oakwood):** To the standing committee on social development.

**The Speaker:** Is there agreement to refer the bill to the standing committee on social development? Agreed? Agreed.

It now being past 12 of the clock, this House stands adjourned until 1:30 of the clock.

*The House recessed from 1212 to 1330.*

MEMBERS' STATEMENTS

ADULT EDUCATION

**Mr Alvin Curling (Scarborough North):** This Progressive Conservative government's administration has been cutting funds to our education system. One area



that's hardest hit is that of the English-as-a-second-language program for adult learners.

In Toronto, the school board used to fund adult education at \$7,000 per student per year. Under the new provincial funding model, under \$3,000 is allotted per adult student. This drastic cut will likely decimate adult day school and its valuable ESL program.

Last week I visited a graduation exercise at Iroquois public school in my riding where adult students had completed their ESL program under the instruction of Hedy Baker-Graf. These students were optimistic about their future and confident that with their improved English-language skills they would be able to compete for jobs and provide for their families.

I have received dozens of letters from students in various schools telling me what this ESL training has meant to them, asking me to urge the government to continue funding for students who will follow them.

I have a package of letters from the Agincourt community English program in my riding. Graduates of the class of 1998 wrote:

"Closure of ESL classes and programs, such as the community English-language programs, is an end to all that we as Canadians, you and I, have worked so hard to keep — independence, access, multiculturalism and equality. Do we now want our government to erect language barriers so that the gap between the 'haves' and 'have-nots' shatters dreams of the future?"

#### SENIORS' MONTH

**Mrs Marion Boyd (London Centre):** June is the month we normally celebrate the contributions of seniors in our community. I'm pleased to have a few seconds to talk today about the seniors in my community of London and to salute them for their actions.

They are active as citizens, as volunteers, as social activists, as participants in local events. Seniors are an essential ingredient in every aspect of life in London. From the Forest City to the Hamilton Road seniors' centres, from union retirees' associations to third-age activity groups, seniors gather to discuss the issues of the day, to participate in recreational activities, to plan collective action and to make their wisdom and influence felt by all of us.

One example of senior power is the very strong effort made by the CAW retirees and a group called Side Effects to alert themselves and other members of the community to the misuse and overuse of medication.

This project is essential if we are going to deal with some of the very serious effects that happen when medications are not used appropriately. One of the things that we salute our seniors for in our community is their concerted action to ensure that this problem is understood by the community and that action is taken to end it. I'm very proud to salute the seniors of London today.

#### GIOVANNI CABOTO

**Mr Jim Brown (Scarborough West):** On June 24 we will be marking 501 years since the formal discovery and founding of Canada by the Italian explorer Giovanni Caboto, known to us by his anglicized name of John Cabot.

Giovanni Caboto, a citizen of Venice, Italy, was employed by King Henry VII of England, who supported Caboto financially in his travels to the New World.

In 1497 Caboto landed on the eastern shores of Canada in what is today Newfoundland on his own festa, St John's Day. Evidence is strong the Italian words "bona vista," meaning a wonderful site, were first uttered by Caboto himself in his admiration for the new country he was about to land in.

And so it was an explorer of Italian and not French or British background who formally founded Canada. Giovanni Caboto is also the founder of Canada's multicultural community and way of life.

In honour of Giovanni Caboto and in tribute to the many ongoing contributions of the Italian community of Ontario, early next week I will be tabling in this House my private member's bill to establish June 24 in Ontario as Giovanni Caboto Day.

I ask all my colleagues in the House, and especially those who share our founder's Italian ancestry, to support unanimously this bill to help promote greater awareness of our history and multicultural traditions, especially among our youth. Viva Canada. Viva Italia.

#### NURSING STAFF

**Mr Gerard Kennedy (York South):** I rise today to make a statement to the government, to bring them a message from the province's nurses which was delivered today by some of the representatives of nursing in the province, specifically the Registered Nurses' Association of Ontario, who are with us in the gallery.

I think, to some dismay of the members opposite, they will learn that the things they've been hearing from the nurses in their constituencies, that firing qualified nurses is no way to provide qualified care, that the kind of assumption you've been making — that nurses are simply going to stretch and stretch and stretch and be able to cover things — cannot stand, that nurses simply can't do it any more and can't be presumed upon by this government.

In fact today the nurses tell us that fragmented and potentially dangerous mistakes can result from the policies that have substituted for well-trained nurses, who intuitively and through their training can provide the best possible care, with undertrained and not regulated workers. That kind of effort has been what this government has put forward.

But what we heard today is even more significant, because we heard that the government is offside with the public, that more than 68% of the public see the quality of their hospital care being determined by their nurses. More than 65% of them strongly agree that the government

should put funding aside specifically for nurses in hospitals, in home care and in their new roles as nurse practitioners.

If this government, which met with nurses long ago and so far hasn't acted to meet their standards, thinks they're going to get away with diminishing care, they're going to have to reckon with the nurses of this province. I can tell you that the answer the nurses are giving them is that it's simply not good enough.

### MUNICIPAL RESTRUCTURING

**Mr David Christopherson (Hamilton Centre):** Mr Speaker, I rise today to inform the House and respond to an article in the Hamilton Spectator dated Wednesday, June 3, by columnist and former Hamilton Mayor Jack MacDonald, wherein Mr MacDonald chastises the member for Hamilton East, Dominic Agostino, and myself for not supporting the resolution last June of Hamilton Mountain MPP Trevor Pettit.

I think it's important to remind the House that at that time it was not just the Liberals and New Democrats who voted against it; there were not enough Tories who voted for it. There were enough of them in fact who voted with us that that resolution went down to all-party defeat.

The reality is that resolution came on the very last day of the House, if you will recall, in June before we would break for the summer holidays. Second, it was only five months away from the actual municipal election. Anyone else who's been in municipal government will know that changing the whole, complete structure five months before and imposing it while you're doing that is totally unreasonable and would create nothing but electoral chaos. The last thing is, there wasn't this \$27 million, the cheque waiting to be signed, to be handed down if we should get this done.

So I think it's fair to reflect on the history of how this happened and would remind members that's the important thing here.

### SPORTS IN BRANTFORD

**Mr Ron Johnson (Brantford):** As many of my colleagues know, the city of Brantford has enjoyed a long tradition of association with sports. Brantford is the home town of a number of prominent athletes, including hockey legend Wayne Gretzky, and each year hosts more than 100 significant national and international sporting events, attracting thousands of visitors to my riding.

Some of the more notable competitive sports include minor hockey, where we have the Wayne Gretzky Hockey Tournament every year, curling, wrestling, basketball and swimming, to name but a few.

In recognition of the increasing numbers of young athletes drawn to the community each year to compete in these events, and due in no small part to the efforts of a group of dedicated people in my riding, including Pat Shewchuk, Dean Falle, Bill Page and Paul Stillman, the city of Brantford on May 25, 1998, proclaimed itself by a

resolution of council to be the Tournament Capital of Ontario.

It is with great pride that I rise in the House today to share this announcement with my colleagues and enter into the record for future generations that Brantford, in addition to being known as the home of Wayne Gretzky and the telephone city, will from this day forward also be known as the Tournament Capital of Ontario.

I offer my congratulations to the city of Brantford, to its elected council and to the aforementioned group who brought this idea forward.

1340

### TRANSPORTATION INFRASTRUCTURE

**Mrs Sandra Pupatello (Windsor-Sandwich):** In a media piece from the Wall Street Journal, there is coming to be quite a bit of consensus that across three nations, Mexico, the US and Canada, we're having a significant problem with infrastructure in our transportation system. Specifically, our transportation at border crossings is having a great deal of difficulty.

What I'd like to see from the Ontario government is a leadership role being taken specifically to address this issue. I'd like to call on the Minister of Transportation, the Minister of Economic Development, Trade and Tourism and the Minister of the Environment to come together to strike a working group. This working group ought to sort out levels of responsibility that actually address the issue of transportation.

What we think should be a priority is development of a state-of-the-art, safe, clean, automated superhighway that ensures the smooth, fast transportation of goods between Canada and the US.

I am asking them specifically to talk about the roles and responsibilities of all three levels of government. In Windsor, on July 23, 1997, we did strike a working group, a task force to look and study and call on all three levels of government to discuss the creation of a north-south superhighway. What we know is happening today and will continue in the future is that much of our economic boom is based on trade and the increase of trade. I'd like to see the Ontario government play a lead role in this.

### PAY EQUITY

**Ms Marilyn Churley (Riverdale):** The Harris government has once again demonstrated its disdain for the rights of women to be paid what they deserve. The Harris government has also demonstrated its disdain for the value of health care workers in the home.

People may remember this issue from a little while ago. About nine months ago there was a crisis in home care. This particular crisis was announced by the impending demise of Red Cross homemaker services. At the time, you'll remember, the Harris government tried to blame this on pay equity legislation. The Red Cross, on the other hand, stated that because of the competitive bidding process in home care, they would be forced out of business,



unable to compete with the private sector providers who pay the lower wages. Well, that's exactly what's happened, and now all of a sudden the Red Cross pay equity has been recalculated, manipulated, and the problem recalculated out of existence. A little math fix and women who were told seven years ago that they would get pay of \$14 an hour are now being told that was a mistake. Whatever the homemakers now earn has been deemed to be in line with the provisions of pay equity.

These people provide some of the most important services we can think of in the homes of our elderly, our sick and our vulnerable. This is a disgrace. I would ask the government today to go back to the drawing-board and pay these workers the moneys they deserve.

### OPTIMIST CLUB FESTIVAL

**Mr Joseph Spina (Brampton North):** Today, I rise to inform my fellow members of the Legislative Assembly about the fourth annual Optimists in Action for a Better Day Community Festival which will be happening this Saturday, June 6, at Chinguacousy Park in Brampton. This year's theme is "Friends Towards the Future."

The purpose of this event is to celebrate the abilities and achievements of young people in our community and those organizations which assist them in reaching for their dreams and achieving their goals.

Local youth and community groups will be organizing displays and demonstrations for visitors to the park. Puppet shows, a children's penny carnival, a barbecue — all of these provided as a free service to the community, at no cost to the participants.

The Optimist Club of Brampton has been serving the citizens of the city for over 15 years and this festival is just one way in which they strive to fulfil the spirit of their motto, "Friend of Youth." They have contributed to many projects, including building the Optimist Community Care Centre in Chinguacousy Park, helping found the Ogada Wilderness Camp CARE program for troubled teens, running bicycle safety rodeos and recognizing graduates from many of our schools for various achievements.

I'm proud to have the opportunity to relay to you, Mr Speaker, and to the members of the assembly, the good works of the Optimist Club in my community and invite all members who may be in Brampton this Saturday to join us at Chinguacousy Park from 9 am to 3 pm for a fun day.

### REPORTS BY COMMITTEES

#### STANDING COMMITTEE ON FINANCE AND ECONOMIC AFFAIRS

**Mr Ted Arnott (Wellington):** I beg leave to present a report from the standing committee on finance and economic affairs and move its adoption.

**Clerk at the Table (Ms Lisa Freedman):** Your committee begs to report the following bill, as amended:

Bill 16, An Act to give Tax Relief to Small Businesses, Charities and Others and to make other amendments respecting the Financing of Local Government and Schools.

**The Speaker (Hon Chris Stockwell):** Shall the report be received and adopted? Agreed.

Pursuant to the order of the House dated Monday, June 1, 1998, the bill is ordered for third reading.

### INTRODUCTION OF BILLS

#### ECONOMIC DEVELOPMENT AND WORKPLACE DEMOCRACY ACT, 1998

#### LOI DE 1998 SUR LE DÉVELOPPEMENT ÉCONOMIQUE ET SUR LA DÉMOCRATIE EN MILIEU DE TRAVAIL

Mr Flaherty moved first reading of the following bill:

Bill 31, An Act to promote economic development and create jobs in the construction industry, to further workplace democracy and to make other amendments to labour and employment statutes / *Projet de loi 31, Loi visant à promouvoir le développement économique et à créer des emplois dans l'industrie de la construction, favorisant la démocratie en milieu de travail et apportant d'autres modifications aux lois ayant trait au travail et à l'emploi.*

**The Speaker (Hon Chris Stockwell):** Is it the pleasure of the House that the motion carry?

All those in favour, please say "aye."

All those opposed, please say "nay."

In my opinion, the ayes have it.

Call in the members. This will be a five-minute bell.

*The division bells rang from 1346 to 1351.*

**The Speaker:** We're voting on first reading of An Act to promote economic development and create jobs in the construction industry, to further workplace democracy and to make other amendments to labour and employment statutes.

All those in favour, please rise one at a time and be recognized by the Clerk.

#### Ayes

Amott, Ted	Gilchrist, Steve	Rollins, E.J. Douglas
Baird, John R.	Grimmett, Bill	Runciman, Robert W.
Barrett, Toby	Hardeman, Ernie	Sampson, Rob
Bassett, Isabel	Hodgson, Chris	Shea, Denwyn
Beaubien, Marcel	Hudak, Tim	Sheehan, Frank
Boushy, Dave	Johns, Helen	Skarica, Toni
Brown, Jim	Johnson, Bert	Snobelen, John
Carroll, Jack	Johnson, Ron	Spina, Joseph
Clement, Tony	Kellis, Morley	Sterling, Norman W.
Doyle, Ed	Leach, Al	Stewart, R. Gary
Elliott, Brenda	Marland, Margaret	Tilson, David
Fisher, Barbara	Maves, Bart	Tsoubouchi, David H
Flaherty, Jim	Munro, Julia	Tumbull, David
Ford, Douglas B.	O'Toole, John	Wood, Bob

Fox, Gary  
Galt, Doug

Parker, John L.  
Pettit, Trevor

**The Speaker:** All those opposed, please rise one at a time and be recognized by the Clerk.

#### Nays

Agostino, Dominic  
Bartolucci, Rick  
Bisson, Gilles  
Boyd, Manon  
Bradley, James J.  
Caplan, David  
Christopherson, David  
Churley, Marilyn  
Conway, Sean G.  
Cordiano, Joseph  
Duncan, Dwight

Gerretsen, John  
Grandmaitre, Bernard  
Hampton, Howard  
Kennedy, Gerard  
Lalonde, Jean-Marc  
Lankin, Frances  
Lessard, Wayne  
Marchese, Rosario  
Martin, Tony  
McLeod, Lyn  
Morin, Gilles E.

North, Peter  
Patten, Richard  
Phillips, Gerry  
Pouliot, Gilles  
Pupatello, Sandra  
Ruprecht, Tony  
Sergio, Mario  
Sillipo, Tony  
Wildman, Bud

**Clerk of the House (Mr Claude L. DesRosiers):** The ayes are 46; the nays are 31.

**The Speaker:** I declare the motion carried.

**Hon Jim Flaherty (Minister of Labour, Solicitor General and Minister of Correctional Services):** I'm pleased to introduce the Economic Development and Workplace Democracy Act, designed to increase investment and job creation in Ontario's construction industry and improve workplace democracy to help ensure stable labour relations. This legislation is part of the government's plan announced in the speech from the throne to continue building a strong economy and to create more and better jobs.

## STATEMENTS BY MINISTRY AND RESPONSES

### LABOUR LEGISLATION

**Hon Jim Flaherty (Minister of Labour, Solicitor General and Minister of Correctional Services):** The Economic Development and Workplace Democracy Act is designed to increase investment and job creation in Ontario's construction industry and improve workplace democracy to help ensure stable labour relations.

It is part of the government's plan, which was announced in the speech from the throne, to continue building a strong economy and to create more and better jobs. If passed, the Economic Development and Workplace Democracy Act would form part of the government's commitment to keep Ontario's labour relations system flexible, fair and efficient, which in turn creates even more opportunities for investment and jobs.

Over the past few months, small and large businesses have responded in many ways to Ontario's more favourable economic climate. Many have said they are considering major job-creating capital investments.

But actually making those investments, getting shovels in the ground and people on the job, depends on the competitiveness of our construction industry. The simple fact is that Ontario has to create innovative ways to attract

outside investment. This legislation demonstrates yet again this government's commitment to attracting secure, high-paying jobs to the province of Ontario.

The bill I have introduced today would enhance competitiveness in the construction industry. It would create a framework to negotiate specific agreements for major industrial projects in Ontario. Such a framework has been the subject of lengthy discussions among construction employers, various trade unions and ministry officials, as we have collectively worked to resolve competitiveness issues.

This legislation would bring about project agreements that would help businesses compete for economically significant projects with the potential to bring thousands of construction and spinoff jobs into Ontario's communities. These projects might include those contemplated by the multibillion-dollar petrochemical sector, as well as other innovative, high-technology-based industries.

I want to compliment my honourable friends and members of this assembly the member for Sarnia and the member for Lambton, who have worked long and hard to accomplish this proposed legislation which will benefit the Sarnia-Lambton area in particular.

Passing the Economic Development and Workplace Democracy Act would also address a long-standing issue. It would ensure that only employers in the construction industry are covered by the special construction provisions of the Labour Relations Act. This means that employers whose primary business is not construction, for example, retail employers, municipalities and school boards, can negotiate agreements specific to the circumstances of their sector. This corrects the situation of these employers being bound by province-wide agreements that they have little opportunity to influence.

In addition to the construction industry competitiveness initiatives I mentioned earlier, the Economic Development and Workplace Democracy Act would also amend a variety of labour relations and other legislation to meet some key goals.

First, this bill would make the union certification process more democratic so that the wishes of employees are sought and respected in all cases. The Economic Development and Workplace Democracy Act would ensure that union certification can only occur when a majority of employees vote in favour of the union in a secret ballot.

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The bill would also let employers provide evidence to verify a union's estimate of the number of employees in the bargaining unit described in the application for certification without compromising the timing of a representation vote.

Investors and employees need to have confidence in the certainty of Ontario's labour laws. These amendments would ensure the democratic rights of employees are respected in the certification process. If passed, these amendments would send a message to all investors that Ontario is open for business.

Second, the Economic Development and Workplace Democracy Act deals with miscellaneous amendments to



the Labour Relations Act, the Employment Standards Act and the Occupational Health and Safety Act that create greater efficiency in adjudication procedures.

Specifically, this bill would implement the merger of the office of adjudication with the Ontario Labour Relations Board. It would also let the board fully recover the costs for construction industry grievance arbitrations.

In summary, the new, innovative reforms in the Economic Development and Workplace Democracy Act would make our construction industry more competitive, stimulate growth in a number of key industries and improve workplace democracy. This job-creating legislation would make Ontario more attractive to investors. Above all, Ontario will be even better positioned to attract economically significant construction projects and create jobs with the passage of the Economic Development and Workplace Democracy Act.

**Mr Richard Patten (Ottawa Centre):** You can see that the creative headline writers in the Premier's office are at it again: the Economic Development and Workplace Democracy Act. Somehow that term doesn't seem to apply generally when we look at Bill 26, at Bill 22, at Bill 136, at the rule changes and at Bill 103. I hope it is true that indeed you really are talking about a more democratic situation than has been there in the past, because that certainly is not the feeling of the people who are working in the trades in the unions in this province.

This bill, which I just had a chance to look at and of course will need some time to scrutinize, if passed, I believe will have a major impact on the construction industry and the way in which business is done in special areas.

I know you've had discussions, Minister, with trades and with big firms on possible projects and that some of those meetings have taken place over the last several months. I remind you, however, that the trades still have some major concerns about this. Some of the ideas you proposed are some of their proposals; this isn't just one way. Some of them made some of these proposals you announced today.

Our bottom line is really, will we truly have a situation where we will have a more competitive situation to attract projects and investment to Ontario? I'm told that in the construction industry alone you've got 19,000 fewer workers than there were seven months previous to that, which is a heck of a lot, so there's a need for a lot of activity.

Our bottom line is fairness. Our bottom line is real jobs with fair wages and opportunity for all the partners to play together and work together and put together something of substance. I know the concerns of people in Sarnia for an industry that is in deep trouble and may have, and I know have, some ideas for something of this nature. This may be able to address that particular issue.

It's got to be a win-win situation for everybody — for the people of Sarnia, for the investments, for the workers, for the people who are spending their time and their skill working on such projects — so it is not a divisive element.

I'm concerned, Minister, just on the surface, looking at the bill — I want to spend more time scrutinizing this and consulting more widely, which I have not — about some of the unilateral authority that is now vested in your office. I'll want to take a close look at that. Construction projects under your new proposed contract negotiations format, will this be in your office only? What kind of power is that? Why is it not in regulations? Why not assign this power to the Ontario Labour Relations Board?

This bill assigns a number of new powers to the labour relations board as well, and yet this is the same board this government cut back by millions of dollars; I forget how many staff it was, but several staff, a high percentage of staff a year and a half or two years ago, and now they have new responsibilities. Will they also get the concurrent resources to do the job that you're now asking them to perform?

Your system seems to give every union in negotiations one vote. If you have a union that has 100 members in one trade and you have one that has maybe 5,000, how does that work in terms of the 60% factor you're dealing with on accepting a particular project by a proponent? How is that going to work for the individual members and employers on that? It may on the surface look like one vote regardless of size, so I'll be interested to see how that plays out and the reactions of the trades on that.

You say that the new system will only apply to major industrial construction projects, but so far I haven't seen a definition of what is a major industrial project. Is it one over \$15 million? Who determines it? Is it the employer, the proponent, the labour relations board, the ministry? How is this developed?

We want to take a closer look at allowing companies to exempt themselves from construction provisions if they're not primarily in the construction area.

**The Speaker (Hon Chris Stockwell):** Thank you. Responses, third party.

**Mr David Christopherson (Hamilton Centre):** I also want to begin by pointing out the absolute hypocrisy of the title of the bill, calling it the Economic Development and Workplace Democracy Act. Why don't you just 'fess up and come clean and call the act exactly what it is: Further Gutting Ontario's Labour Laws so that Our Already Rich Friends Could Make Even More Money? That's the name of the game here.

For instance, the notion that the government now is going to exclude non-construction employers from the Ontario Labour Relations Act provisions that apply to construction workers so that these companies can be even more competitive is hard to swallow when one of the most high-profile cases involving this issue was the TD Bank. Are you trying to tell us the TD Bank isn't competitive already? That's the nature of exactly what the minister said standing in his place. He said, "We have to make it more competitive and this is why we're making these changes," and one of the most high-profile cases involves the TD Bank.

The other thing to bear in mind is that the employer lost its case at the labour relations board. You're making this

change because you don't like those kinds of decisions. Any time there's a decision that goes in favour of the workers, you do everything you can to try and change it, up to and including changing the rules.

Let's take a look at one of the other provisions that you're doing. This is also a major one and resulted from another high-profile case that went before the Ontario Labour Relations Board: Wal-Mart and the Steelworkers. The board ruled that the employer's act of misconduct was so severe during the run-up to an election for certification that the board set aside that decision and said, "Wal-Mart, you have poisoned the workplace to such a degree that a fair, democratic vote cannot take place. We deem that the certification provisions have been met," and they approved it.

It requires an awful lot, regardless of who's on that board, to make a case that the workplace was so poisoned that you can't conduct a fair, democratic vote, yet in this particular case that's exactly what happened. Surprisingly, when we search, we find that there have been 15 of these in four years. What that suggests is that there are a lot of instances where democratic votes, contrary to your name for the bill, can't take place. The notion that you're going to clear things up somehow and allow another vote to take place doesn't wash.

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One of the key reasons that a board would rule against an employer is if they were intimidating their employees. If you've intimidated employees to the point where they are fearful to exercise their right to vote to join a union and to the extent that the board has now said there is no democratic climate in which to hold a vote, you have to have scared people pretty significantly. That's not going to go away in a matter of a few weeks just because you say so. That poisoned environment and those intimidations are still there and it's still going to affect the outcome.

But once again you don't like the fact that in a fair, open, democratic, quasi-judicial atmosphere your friends lost the decision, so you're going to change the rules to make sure that your friends win the decisions 10 times out of 10, and somehow you have the nerve to stand there and say this is democracy.

Let me also mention that we are glad to see that the government isn't, as was rumoured, removing the words "reasonable efforts" from the OPSEU collective agreement. But I want to say that, given the fact that there's a pattern here, a pattern that when you don't like the decisions of the Ontario Labour Relations Board you change the rules of the game, and if you don't do it in one piece of legislation you just wait for a few months and introduce it into another, we'd like to hear from you, Minister, very clearly that you're not ever planning to introduce a piece of legislation that removes the "reasonable efforts" clause in the OPSEU agreement.

## ORAL QUESTIONS

### MEDICAL LABORATORIES

**Mr Gerard Kennedy (York South):** I have a question for the Minister of Health. Last week I raised the issue of a government regulation which you and your cabinet authorized that compromises both patient care and small business competitiveness in the medical laboratory industry. The regulation, you'll remember, forces successful small labs to pay their larger competitors some of the money they've earned over the last two years because you've decided they shouldn't have it.

When you answered this question on May 25, you said you would protect access to lab services. I have here an internal memorandum from Gamma Dynacare cancelling lab services at 344 Bloor Street in St Andrew-St Patrick, at 172 Queen Street in Brampton South, at 99 Avenue Road in St Andrew-St Patrick. In other words, all the people who depend on those services no longer have good access except from a temporary service that you intend to cancel.

Minister, will you guarantee these communities that are affected by the closure of those collection centres that they will be able to have —

**The Speaker (Hon Chris Stockwell):** Thank you, Minister.

**Hon Elizabeth Witmer (Minister of Health):** I think if you take a look at the locations you will know that there are other lab facilities in very close proximity. We have indicated that in areas where there is difficulty accessing lab services we will ensure that lab services are provided.

**Mr Kennedy:** Severely ill patients are depending on much more than that glib response, because in real life there are people affected. Doctors Wolgelernter and Charlebois in Scarborough state: "Patients do not have the funds for extra travel. Others simply choose not to have the blood work done, which is dangerous." They mention blood sugars and electrocardiograms, which have to be done promptly.

Patients are affected by your reckless decision-making here. Mrs Hall of Thornhill writes about her husband, who is a stroke victim and 90 years old. It's very difficult for him to travel for blood tests. The labs that you want to favour stopped providing the tests at home and it was taken over by the lab that you want to put out of business.

Minister, for Mrs Hall and for a whole range of patients all across the province, will you stop this chaos, will you withdraw the regulation and will you stand in the House today and guarantee they will have the same high-quality lab services in future?

**Hon Mrs Witmer:** This certainly was not a reckless decision that was made. This is an attempt to ensure that we have the adequate financial resources to ensure that everybody throughout this province, no matter where they live, has access to lab services.

We're all aware that there has been pressure on the system. We are aware that there are systemic problems.



This was first identified by the NDP government, who introduced the industry cap on lab billings, and now, in response to the need to take a look at how lab services are provided, the Ontario Association of Medical Laboratories brought forward this proposal to us last spring so we could ensure that accessibility to service could be maintained, as well as ensuring that we could keep those services funded in a way that could be sustainable into the future.

**Mr Kennedy:** Let's review this one last time and let's look at what you're hiding behind. Fourteen of the lab companies voted against this versus 10 who voted in favour. You've decided to favour four large companies that control 80% of the market. Let's see. Why are you giving this corporate preference? The competition bureau of the federal government says it's conspiratorial behaviour, and that's what you're endorsing, Minister.

Patients are not protected. There's chaos for doctors who won't be able to have their samples done in a timely manner. We have another doctor here talking about the profound risk for geriatric patients. Companies will be put out of business. You're taking some \$3 million from companies that have earned it and giving it back to these larger companies, and to top it all off, you don't save any money out of this.

Minister, will you stand in this House and withdraw the regulation or explain? Is this Harris government health incompetence or is it something worse?

**Hon Mrs Witmer:** I just remind the member opposite that it was his own government and the previous NDP government who have always worked collaboratively with the Ontario Association of Medical Laboratories in a way in which they could ensure that services could be provided to people in this province. If you're saying that someone's showing favouritism, then obviously you have demonstrated favouritism in the past as well.

You referred to the federal competition bureau. They have acknowledged that the province has the authority to prescribe a threshold amount payable to each medical laboratory. The corporate cap, according to them, is authorized by valid provincial legislation. This is a proposal which has come from an association with whom all stripes of government have already engaged in dialogue in past years. This was a discussion, this was a proposal, and we are cooperating with the labs to ensure that people have equal access to lab services throughout the province.

#### GOVERNMENT CONTRACTS

**Mr James J. Bradley (St Catharines):** I have a question for the Chair of Management Board. The controversy continues to swirl around the determined effort of the Harris government to expand gambling activities in Ontario and around the selection process for the operation of the Niagara casino. Allegations of political favouritism, inside connections and improper influence have surfaced since your government selected its choice to operate the Niagara casino, and concerns have grown about the awarding of contracts to operate the new Mike Harris gambling halls, or charity casinos, as you call them.

Minister, yet another concerned group, the National Coalition Against Gambling Expansion, has called for an independent public inquiry into your government's gambling activities and has recommended a moratorium on further escalation of gambling initiatives in this province.

Minister, will you now call an independent public inquiry into the awarding of the Niagara Falls casino contract, as requested by the Leader of the Opposition, Dalton McGuinty, and a further inquiry into the undue influence of the gambling industry on government policy with respect to gambling expansion in Ontario?

**Hon Chris Hodgson (Chair of the Management Board of Cabinet, Minister of Northern Development and Mines):** You continue to raise innuendoes in the House, comments that you won't raise outside this House. I'll respond to the facts as I've been informed of them by the Ontario Casino Corp.

As I indicated in the House this week, the Ontario Casino Corp has told me that the selection process for the preferred proponent for Niagara was "fair and independent of any influence of any kind."

With regard to the specific innuendo about Coopers and Lybrand, we are proceeding in a thorough and responsible manner, and the OCC has been gathering information and their counsel is gathering information. When I have the completed report we'll review that and take the appropriate action.

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#### GAMING CONTROL

**Mr James J. Bradley (St Catharines):** It wasn't an answer to my question.

My second question is this: Experts on criminal profiteering say that Ontario's casinos are being used by the mob to launder profits from drugs and other large-scale crimes. "There is evidence every organized crime group launders money this way in Niagara," says Antonio Nicaso, an internationally recognized expert on organized crime. He says, and I quote, "They've already infiltrated the casino."

Many people believe that the Harris government simply does not have a handle on the problems. As is so often the case, you are bulldozing ahead without looking at the consequences and without doing the proper research and impact studies.

Minister, with all the unanswered questions in the public mind and with all the controversy surrounding the awarding of the Niagara Falls casino contract and with similar problems that are bound to plague the so-called charity casinos, will you ask Mike Harris to call a moratorium on any further gambling expansion in Ontario?

**Hon Chris Hodgson (Chair of the Management Board of Cabinet, Minister of Northern Development and Mines):** I'd like to refer this to the minister responsible for the Alcohol and Gaming Commission.

**Hon David H. Tsubouchi (Minister of Consumer and Commercial Relations):** Ontario's framework governing casinos involves the collaborative efforts of casino

regulators and management law enforcement. There are specific provisions in place governing large cash transactions and the recordkeeping to ensure that casinos are not targets for organized money laundering.

It's unfortunate that the particular news article and the reporter did not speak to the Alcohol and Gaming Commission. If he had, he would have learned that even though the federal statute does not apply to casinos, the Gaming Control Act does and contains comprehensive requirements aimed at money laundering. Those requirements are far more extensive than the federal act and are supported by compliance police resources within the Alcohol and Gaming Commission.

Although the federal regulations will require casinos to record transactions of \$10,000 or more, Ontario has already gone further in that area.

**The Speaker (Hon Chris Stockwell):** Answer, please.

**Hon Mr Tsubouchi:** Not only does our provincial Gaming Control Act appropriately scrutinize large cash transactions, but we go so far as logging and aggregating cash transactions of \$2,500 —

**The Speaker:** Thank you.

**Mr Bradley:** The point I am making is that you've got all these problems now, yet you want to expand and escalate gambling activities in Ontario. Concerns about potential money laundering by organized crime, insider influence, political favouritism, a flawed assessment process, severe problems with, for instance, gambling addiction, detrimental effects on families and communities, and the wild escalation of gambling opportunities should tell your Premier, Mike Harris, that the establishment of 44 new Mike Harris gambling halls, or charity casinos, as you prefer to call them, operating seven days a week, 24 hours a day in communities across Ontario — that kind of escalation is ill advised and wrongheaded.

Minister, will your government now come to its senses, address those concerns and call a halt to any further expansion of gambling in this province? Surely enough is enough. Will you now abandon your plans to establish permanent charity casinos, with thousands of slot machines, in 44 communities across Ontario?

**Hon Mr Tsubouchi:** I just want to complete the answer. The member of the opposition led off that part of the question with the money laundering aspect. I would like to refer you to section 9.3 of the regulations dealing with gaming control. It states that the supplier shall log and aggregate all cash transactions of \$2,500 or more occurring within a 24-hour period between a supplier and one person or another person who the supplier knows or has reason to believe is the person's agent at the cage, gaming table or pit. Clearly, this goes far beyond anything the federal government has done.

I would also like to relate to you that RCMP Inspector Gerry Nichols offered the following observation in light of the article. He said:

"I am confident that the joint efforts to date of the RCMP Toronto integrated proceeds of crime section, the OPP and the gaming control unit have been successful in incorporating regulations, policies, intelligence and en-

forcement activity that prohibits any major money laundering activity in Ontario casinos. We have been monitoring and testing the casinos over the past several years with our policing partners, and based on the results of the scrutiny, I believe the article is unfounded."

**The Speaker:** New question, third party.

## GOVERNMENT CONTRACTS

**Mr Howard Hampton (Rainy River):** My question is for the Chair of Management Board. Minister, very serious allegations have been raised with respect to your gaming consultant, Michael French, and Coopers and Lybrand. You indicated earlier this week that you had asked the Ontario Casino Corp, headed by an ex-Brian Mulroney chief of staff, to look into the apparent conflict of interest. We called the Ontario Casino Corp earlier today and we asked to speak to the person who was handling the investigation. We were told: "Nothing is happening; there is no investigation. We are just providing information for the minister in the Legislature." Then we inquired further and we were told, "It's just a report."

Minister, will you tell us, since there's no investigation, since they're simply putting together a report, why hasn't that report been produced here yet and what's in that report?

**Hon Chris Hodgson (Chair of the Management Board of Cabinet, Minister of Northern Development and Mines):** The innuendo you've raised with regard to Coopers and Lybrand is a very serious innuendo. I've asked that the Ontario Casino Corp, through their legal counsel, investigate and report back to me. We'll wait and see what the facts are.

**Mr Hampton:** I'll tell you what's really troubling here. We have raised over and over again very clear instances where anybody looking at it would say, "There looks like there could be a conflict of interest here." This minister, rather than taking his job seriously, simply says, "Oh, it's innuendo." Minister, you have a job to protect the public interest, not to protect Conservative Party hacks and fund-raisers.

Let me ask you this: Is the report going to deal with the fact that Coopers and Lybrand advertises itself as a member of the American Gaming Association? Is the report going to deal with the fact that Coopers and Lybrand says, "We'll give you aggressive national representation for the industry"? Is it going to deal with the fact that Coopers and Lybrand is part of a group that advertises itself as: "We'll make sure you're heard. We'll be your lobbyist"? Are you going to deal with those issues or are you simply going to wipe them away?

**Hon Mr Hodgson:** I'm not sure if the member of the third party — Coopers and Lybrand's relationship around gaming began for the Windsor casino, when they were brought in to advise your government, through the OCC, on the process around Windsor.

**Mr Peter Kormos (Welland-Thorold):** Yes, but your deal is dirty. That one wasn't. You know it.

*Interjections.*



**The Speaker:** Order. Member for Welland-Thorold, you can't accuse the party of having a dirty deal. That's out of order. Please withdraw.

**Mr Kormos:** Withdrawn. Far from clean.

**The Speaker:** Pardon?

**Mr Kormos:** I said, "Far from clean."

**The Speaker:** Go ahead, Minister.

**Hon Mr Hodgson:** The NDP forget that Coopers and Lybrand were brought in to advise their government on how to set up and run the process for Windsor. That relationship continued.

It's a very serious allegation and innuendo that you referred to. We will make sure the public are protected. It's a serious issue, and it's complicated. I've asked for a thorough report. I don't want to have it prejudged. I've asked their lawyers to comply with that. So far you've requested 87 calls of inquiry — maybe it's going up every day — on pretty well every issue you can think of, over 13 at least. In this particular instance I believe it's serious innuendo, so we've asked the OCC, through their lawyers, to do a thorough review.

One other clarification: You mentioned the head of the OCC. The president is Brian Wood, who I think you're well familiar with.

**Mr Hampton:** The minister still tries to avoid the issue. The fact of the matter is that there is information out there in public which indicates that some of the principals at Coopers and Lybrand, namely, Michael French, were advocating on behalf of some of the people who now appear to be selected to have the inside track for running the casino. At the same time, they were contracted by your government to advocate on how to set up casinos. We are told that Michael French played an active part in deciding who would eventually get the casino licence.

What that boils down to on the face of the record is very apparent conflict of interest. It's not just innuendo. So here we are. First you denied it for a week, then you told us: "There's going to be an investigation. We're going to get to the bottom of this." We phone up today and ask, "Who is running the investigation?" and we're told: "There's no investigation. We're just putting together a little report."

Are you going to get to the bottom of this? Are you going to protect the public interest, Minister?

**Hon Mr Hodgson:** As I've mentioned, the Ontario Casino Corp has advised me in writing that there was a fair and independent process, free of any influence of any kind. That's in writing. It's for the record. I've shared that letter publicly. There were strict conflict-of-interest provisions in conducting this process.

What I've asked, based on the seriousness of this innuendo, is to get the facts. I want the facts in writing from the OCC — the Ontario Casino Corp — and through their legal counsel.

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## AIRCRAFT PLANT CLOSURE

**Mr Howard Hampton (Rainy River):** I have a question for the minister responsible for economic development and trade. Today there is a tragedy unfolding at the McDonnell Douglas aircraft factory in Malton, the factory that was used to produce the Avro Arrow, the factory where 2,000 highly skilled, very productive workers are about to lose their jobs. The real shame of it is that your government says, "We're not going to do anything about it," and the Liberal government in Ottawa says, "We're not going to do anything about it." In fact your Premier said, "Oh, it's just part of worldwide competitiveness."

The fact of the matter is this plant is one of the lowest-cost, highest-quality, most productive maker of airplane wings in the world. The fact is there's a wealth of high-technology skill and knowledge. Why is your government refusing to do anything, refusing to take any responsibility to help in the repositioning of that plant and the saving of those jobs?

**Hon Al Palladini (Minister of Economic Development, Trade and Tourism):** I certainly would like to answer the leader of the third party in this manner: Yes, we are concerned for the people who are potentially going to lose their jobs at Boeing and the Malton plant. I want to just say to the honourable member that I believe our government has created a positive business environment where businesses should be succeeding without subsidy. Having said that, I want to say to the member that I have met with Mr Capern, president of Boeing Canada. I have also met with Mr Hargrove. As a matter of fact, I had a conversation earlier today with Mr Hargrove to see how we can work together to possibly bring in the federal government. With the two levels of government and the people from Boeing, maybe something could be done. I want the honourable member to know that I will not stand back and allow this to happen without at least making an effort to save those 2,000 jobs.

**Mr Hampton:** I want a couple of things clearly on the record so that you understand, Minister, and most of all that your Premier starts to understand them.

Boeing, the largest maker of civilian aircraft in the world, gets significant subsidies through the military in the United States. That is on the record. It's known by everyone. Airbus, the European manufacturer, has had significant government support in terms of becoming the number two maker of planes in the world. There is nowhere in the world where you make aircraft that governments aren't involved in a supporting role, in the training, in the research, in the development.

Minister, let me ask you this: What are you going to do in terms of supporting training? What are you going to do in terms of supporting research and development? What are you going to do in terms of supporting the repositioning of those jobs and the repositioning of that plant? There's a very good example up in de Havilland. You can

go up there and see how that was turned around. What are you going to do?

**Hon Mr Palladini:** The honourable member touched on an item that I think is very good for Ontario. Even without government subsidies, even without government purchasing as far as military equipment is concerned, Ontario is the fifth-largest manufacturer of aircraft parts. So our province is a very productive province when it comes to aerospace. I want the honourable member to know that as of June 1995 the aerospace sector in Ontario has grown by 10%. So we are doing something because our government has created an environment that's positive for investment.

**The Speaker (Hon Chris Stockwell):** Final supplementary.

**Mr Tony Martin (Sault Ste Marie):** Because de Havilland exists, because de Havilland buys all those parts. The only thing more pathetic than a government with its hands tied behind its back is to discover that it has tied its own hands. There are thousands of workers across this province who know that government doesn't have to be impotent. At de Havilland, at Algoma Steel, at Provincial Papers, at Spruce Falls, all these workers know that government with some courage can act with some leadership and make a difference. Our government, the NDP government, worked hard. When jobs were at stake, we took risks and they paid off for these workers and for Ontario's economy.

Will you commit today that you will do whatever it takes to make sure that McDonnell Douglas does not join the Avro Arrow in the hall of fame of Conservative government failure to promote Ontario workers and the Ontario economy?

**Hon Mr Palladini:** The member for Sault Ste Marie is telling how great his government was when it was in power. The net result was 10,000 less new jobs when you got thrown out of power. Our government has created a very productive environment where businesses are coming into our province investing. When you take a look at 500 new jobs every working day — every business day of the week, our government, with the private sector, is creating 500 jobs.

All he wants to talk about is what they did. We're doing what it takes to make sure that Ontario is back on the right track, creating jobs: 400,000 net new private sector jobs in the last three years alone.

#### RURAL POLICE SERVICE

**Mr Sean G. Conway (Renfrew North):** My question is for the Solicitor General. Yesterday's front page in the Orillia Packet and Times bears the headline, "Parry Sound Gets OPP Deal." Indeed, the town of Parry Sound got quite a deal from the Ontario Minister of Finance, Ernie Eves. The story, which has been confirmed by officials in the town office to me, basically is this. The town of Parry Sound, population 6,000, which for years has through its municipal tax base been paying for, first, a municipal police force and, since 1989, a contract service with the

OPP, a month ago got a \$500,000 grant from the Ontario Ministry of Finance to help relieve the cost to Parry Sound taxpayers of policing.

The question is very simple: How was it possible for a municipality that for years has been its paying its own municipal policing costs to qualify for a special \$500,000 grant from the so-called community reinvestment fund?

**Hon Jim Flaherty (Minister of Labour, Solicitor General and Minister of Correctional Services):** I refer the question to the Chair of Management Board.

**Hon Chris Hodgson (Chair of the Management Board of Cabinet, Minister of Northern Development and Mines):** Mr Speaker, through you to the member of the opposition, as he is aware, the community reinvestment fund was set in place to offset the Who Does What trades. We've created education tax room because the education tax room comes up to the province and comes down in a number of services.

The policing issue was this. A number of communities that had populations over 5,000 were required to pay for policing; those under 5,000 were not. In the early 1990s there were some court cases where it was argued that was unfair and we had a choice. The compromise was that the communities would have to pay up \$90 a household for those areas that hadn't paid for policing before. We recognized that would be a large burden on a number of communities.

Parry Sound and a number of other communities did not have full-time contracts. They were intermittent contracts. There were other communities in the province in a similar situation. It was felt that it would be fair that they would have to pay the first \$90 per household but they wouldn't have the burden of the full cost. That was in recognition of small, rural areas that would face substantial increases all in one year.

1440

**Mr Conway:** Bullfeathers. The minister's answer is a transparent canard, and my friend from Brockville will know it only too well. It is absolutely clear what's happened here. Senator Pork, our Minister of Finance, has cooked a sweetheart deal for Parry Sound.

**The Speaker (Hon Chris Stockwell):** I can go with "bullfeathers," but "Senator Pork" is definitely out of order.

**Mr Conway:** Let me withdraw it, Mr Speaker. It is clear that Ernie Eves has cooked a sweetheart deal for the town of Parry Sound. People in Orillia are saying it. This week's Timiskaming Speaker says it's certainly a deal they want and have not heard about. Let me tell you, in Arnprior, Renfrew, Pembroke and Deep River, our people want exactly the same deal.

I say to the minister responsible for policing, are you prepared on behalf of the Mike Harris government to say to the people of Arnprior, Pembroke, Deep River, New Liskeard, Wallaceburg and a host of other communities that have been for many years paying their own policing that they are going to get precisely the same deal that Mr Ernie Eves gave to the town of Parry Sound?



**Hon Mr Hodgson:** To the member for Renfrew, with poetic licence aside, the situation here is that they will have to pay the first \$90 per household, similar to the townships of Alice and Fraser, the village of Barry's Bay, the townships of Head, Clara and Maria, the townships of Rolph, Buchanan, Wylie and McKay. There are other —

**Mr Conway:** That's very different.

**The Speaker:** Come to order.

**Mr Conway:** None of those people ever paid for policing. That's the difference.

*Interjections.*

**Hon Mr Hodgson:** The fact, as I understand it, is that there are a number of communities in the province that did not have full-time contracts with the OPP but they had contracts from time to time and it was felt that they should be treated the same as other small communities. They pay for the first \$90 and they have to pay on their property tax above that.

### ELECTORAL REFORM

**Mr Howard Hampton (Rainy River):** My question is also to the Chair of Management Board. It concerns his government's rush to create election campaigns in Ontario where whoever has the most money wins.

Minister, I want to ask you about one of the specifics. In your proposal you're saying that you want to exempt the cost of pollsters, you want to exempt the cost of staffing and you want to exempt the cost of consultants from the Election Finances Act. In other words, your party could go out and hire big money consultants, big money pollsters and big money computer systems and none of that would count in the Election Finances Act — none of it.

Minister, can you tell the people of Ontario how you can have a fair election when none of those costs — pollsters, consultants and computer firms — would count under the election expenses?

**Hon Chris Hodgson (Chair of the Management Board of Cabinet, Minister of Northern Development and Mines):** To the leader of the third party, I'm not sure why you're trying to mislead this House that it's our proposal.

**The Speaker (Hon Chris Stockwell):** Withdraw it, please.

**Hon Mr Hodgson:** I'm sorry, I withdraw that, Speaker.

**Mr Steve Gilchrist (Scarborough East):** Call it a canard.

**Hon Mr Hodgson:** The canard that it's our proposal. What we've had —

*Interjections.*

**Hon Mr Hodgson:** I'll leave that to your wit.

**Interjection:** Too much education is not always a good thing.

**Hon Mr Hodgson:** What happened is that we would like to have a process where all the parties could agree. We've had a couple of meetings on that. Unfortunately, that hasn't worked out.

We have — and all parties have this — the recommendations of the Commission on Election Finances, which had two members from each party and a chair, a past president of the NDP, who spent years looking at this and reported to this House.

We've also had chief election officer Warren Bailie issue a report, which I believe your caucus has a copy of. We went through their proposals. The question you referred to specifically is already set out as guidelines for elections in Ontario. Those things you mentioned are the present rules.

**Mr Hampton:** I don't need any lectures from you on what the present rules are.

This is about your attempt to put in an Election Finances Act which means that whoever has the most money wins the election. That's what your government is all about.

Let me give you another example. You want to do away with the blackout period for advertising at the beginning of a campaign. You want to be able to spend millions upon millions of dollars on campaign advertising from day one. You're the government so you know when the election is going to be called: You go out and you buy up all the advertising spaces, you call the election, and immediately people are flooded with advertising.

Minister, why would you want to do that? Why do you want to bring to Ontario an election finance system and an election system that doesn't depend upon one person, one vote, but depends upon who has the most money? Why do you want to do that?

**Hon Mr Hodgson:** First of all, these are recommendations made by an all-party commission, so why would you try to perpetuate the myth that this is our proposal today? Just last night we met as representatives from each party to see if we could come to consensus, but unfortunately that wasn't possible. But we still have to consult, to talk to our caucus. We're looking at the recommendations.

The need for change is outlined by Jack Murray, a past party president of the NDP, who urged the government that there is a need to modernize, there is a need to update the Election Act and there is a need to save taxpayers' dollars on this. All other provinces have done it. The federal government has done that as well. What you are talking about in the blackout was part of the recommendations of the committee on which, I might add, you had two party representatives and the chairman.

1450

### SPORT FISHING

**Mr E.J. Douglas Rollins (Quinte):** My question is to the Minister of Natural Resources. Earlier this year, thousands of anglers crowded the Bay of Quinte and participated in the 18th annual Kiwanis Walleye Fishing Derby. By all accounts, the event was very successful. It is always a significant boost to the economy of my riding, to the people who have inns and restaurants, with all those people who stay over the weekend. It certainly is a great place.

However, walleye really prefer murky water. Concerns are now being raised because the improvement of the quality of the water in the Bay of Quinte is threatening the walleye fishery.

Minister, considering the importance of the walleye fishery to the economy of my riding, what is the ministry doing to make sure that the ecology of the Bay of Quinte still continues the walleye fishing?

**Hon John Snobelen (Minister of Natural Resources):** I want to thank the member for Quinte for the question. As all members of this House know, after many decades of hard work by various governments and by a lot of different individuals, there has been a tremendous improvement in the water quality of the Great Lakes. In some ways, as the member has pointed out, we may be victims of our own success.

*Interjections.*

**Hon Mr Snobelen:** Although the members opposite don't seem to think this is a big issue, it is a big issue to many people across the province, and it's one that's been raised by the Ontario Federation of Anglers and Hunters. It's been suggested that as a result of the controls that have lowered the amount of phosphorous that enters the lakes, we may not have the kind of habitat that some species, including walleye, like.

While the walleye fishery is currently a very healthy one in Lake Ontario, it's an issue of concern for the Ministry of Natural Resources in looking at the future of the stocks. The government is dedicated to the preservation of walleye and other fish stocks for this generation and generations to come.

**The Speaker (Hon Chris Stockwell):** Answer, please.

**Hon Mr Snobelen:** Currently, there is no clear scientific evidence that adding phosphorous to this or any lake, as has been suggested by some, will actually improve, or is the appropriate method of addressing, this situation. In fact, this government will continue to work with its partners, including the Great Lakes Fishery Commission —

**The Speaker:** Thank you.

**Mr Rollins:** Minister, what are you and the ministry doing to support sport fishing throughout the whole province of Ontario?

*Interjections.*

**Hon Mr Snobelen:** Again I'm surprised by the reactions of the members opposite to these questions. I'm glad the member for Quinte is interested in fishing in Ontario, because it's an important activity. There are over two million anglers in Ontario and over 500,000 people come to fish in Ontario every year, providing some \$2 billion to the province. I think it's serious, our ministry takes it seriously, and I hope the members opposite would as well.

We've done many things to help the fishing activities in Ontario, and I'm sure the member for Quinte knows this. Introducing a special-purpose account, for instance, which allows those hunting and fishing revenues to go into protecting habitat and encouraging those activities, is one of those.

One of the areas that's most interesting to anglers is fish stocking. Last year we stocked over seven million fish in Ontario and I'm pleased and proud to inform the member that this year fish stocking will rise to 8.5 million units, a vast improvement for the anglers of Ontario.

#### GOVERNMENT ADVERTISING

**Mr James J. Bradley (St Catharines):** I have a question of the Chair of Management Board of Cabinet. This question is about the squandering of hard-earned taxpayers' dollars on self-serving, blatant Conservative government advertising.

You will recall that I raised with you the Ontario Jobs and Investment Board pamphlet that went out to all of Ontario, at the cost of three quarters of a million dollars — a glossy campaign-type Conservative propaganda brochure, produced by the Jobs and Investment Board, which is headed by former Conservative candidate, principal secretary to the Premier and chairman of communications for the Conservative caucus, none other than David Lindsay. This was at a huge cost to the people of Ontario.

Today, people are beginning to receive yet another pamphlet in every home in Ontario, a pamphlet that again is costing close to three quarters of a million dollars and is clearly Conservative propaganda.

Minister, will you now reimburse the taxpayers of Ontario with funds from the Conservative Party for what is obviously a blatant propaganda piece?

**Hon Chris Hodgson (Chair of the Management Board of Cabinet, Minister of Northern Development and Mines):** In keeping with the 1998 throne speech commitment, this householder provides an opportunity for all of Ontario to have a dialogue with the government.

The publication informs Ontarians about key issues of interest to them: the economy, education, health care, work for welfare, and personal safety. It's important to the government to tell taxpayers about the new initiatives that are taking place in the province and changes that will affect them. My colleagues and I have often had calls from people asking for more information. We think it's important to be accountable to the people of Ontario.

The money you referred to is the cheapest option, as opposed to doing advertising from response cards through newspapers or other forums. It's the most effective and efficient and cheapest way for the taxpayers to have input.

**Mr Bradley:** What the minister is saying is, instead of wasting taxpayers' dollars on newspaper ads the way he used to, on radio ads and television ads, he's going to waste it on these pamphlets.

Let's remember: This is taxpayers of Ontario paying; this isn't the Conservative Party. Yet the message is clearly a blatant political message. If you want to send out a pamphlet of this kind, take the money from the huge coffers of the Conservative Party that you want to increase even more with your new rules for fund-raising. Use that money to advertise Conservative propaganda and quit using taxpayers' money to do it.



Will you now reimburse the taxpayers of Ontario for what is clearly a Conservative propaganda pamphlet going to every household in Ontario?

**Hon Mr Hodgson:** Changes to education, changes to health care, work for welfare and personal safety initiatives that affect people's lives in the province are of interest to the people of Ontario and we want to hear their input, and the way to do that is to ask for their responses.

#### NURSING STAFF

**Mrs Marion Boyd (London Centre):** To the Minister of Health: Today the Registered Nurses' Association of Ontario released statistical evidence that the people of Ontario would happily hand back their tax cut in order to fund adequate high-quality nursing care in hospitals, home care and public health departments. Ontarians want you, Minister, to dedicate funding to the hiring of registered nurses and to hold health care providers accountable for their staffing decisions.

Your government refuses to rescind the tax cut and fund health care, and eight out of 10 Ontarians say you're wrong. The Liberals also refuse to rescind the tax cut, and eight out of 10 Ontarians say they're wrong. New Democrats have committed to taking back \$2 billion of the phoney tax scheme and fixing the health care crisis that you've caused, and eight out of 10 Ontarians support our position.

Minister, will you repudiate the phoney tax scheme and dedicate the desperately needed funds to nursing care in Ontario?

**Hon Elizabeth Witmer (Minister of Health):** We certainly agree with the points that have been made today. That's why our government has actually increased the spending on health care from \$17.4 billion to about \$18.6 billion this year.

I'm also very pleased today that when the nurses had their opportunity to present this information, the information was based on a time period in March that was prior to our reinvestment into long-term care. The long-term-care announcement of \$1.2 billion means that there will be an additional 7,400 nursing opportunities available.

As well, I know that at the press conference this morning the president did say that she was pleased about the \$5 million for nurse practitioners. This showed that the Minister of Health was listening to their concerns. They also indicated, as a result of the announcement yesterday on mental health — I understand at the session this morning they were pleased.

**Mrs Boyd:** They also told you that it would take \$340 million if they are to restore nursing levels to the 1994 level. You've refused. You refused earlier this week when we brought forward the concerns of the Ontario Hospital Association. You've even refused to give the \$76 million that are necessary to maintain current nursing levels in the face of the arbitrator's decision.

The arbitrator understands the value of nurses, the people of Ontario understand the value of nurses, and now it's time for you to show that you understand the value of

nursing in the health care system and commit today to dedicating \$340 million to bring nursing care up to the standards of 1994. Will you do that?

**Hon Mrs Witmer:** I think it's important that we represent all of the information that was provided this morning. I have indicated on numerous occasions that I certainly do recognize, our government has indicated we recognize — our Premier has had an opportunity to meet with the nurses. We understand there are very long-standing problems that were ignored by previous governments

As I indicated to you, we have made substantial reinvestments. We have set up, in response to the concern of the nurses, the Nursing Services Task Force. We've invested \$5 million to support nurse practitioners. We made a funding announcement of \$1.2 billion to support 7,400 additional nurses. This morning they indicated quite clearly that we were listening, our government was listening —

**The Speaker (Hon Chris Stockwell):** Answer, please.

**Hon Mrs Witmer:** — and they indicated they were pleased that yesterday we earmarked \$1 million to educate registered nurses and other professionals in the area of psychogeriatrics. So there are certainly significant —

**The Speaker:** Thank you.

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#### SOCIAL ASSISTANCE

**Mr John Hastings (Etobicoke-Rexdale):** My question is to the Minister of Community and Social Services in regard to the Ombudsman's report that was produced earlier this week. The ever-wanting Ombudsman was highly critical, Minister, of the Social Assistance Review Board, yet you have clearly indicated there are specific ways we're going to deal with the backlog. How will the legislation, which has already been passed, proceed to deal with the backlog of appeals and provide better, effective assistance to the people of this province, particularly those who have appeals before this organization?

**Hon Janet Ecker (Minister of Community and Social Services):** Thank you very much to the member for Etobicoke-Rexdale for the question. We take the recommendations from the Ombudsman about how we can provide better customer service very, very seriously.

In the matter of the old Social Assistance Review Board, this government recognized that there were some serious administrative backlogs, that clients and people who were making appeals were getting lost in the red tape and waiting far too long for their decisions. That's why we changed the legislation last year.

The new Social Benefits Tribunal comes into effect this month, in June, and the chair of that tribunal has made some very substantial improvements in both procedures and process to improve service to those individuals who appeal. For example, the tribunal is much more customer-service-oriented, so there is one contact person, sort of a case manager, whom that client can contact all the way through the process. It's more open and accessible, there's more information, clearly laid out time frames and a state-

of-the-art case management system. It has really improved the service for them.

**Mr Hastings:** In terms of the backlog for the people of this province, particularly for citizens in the new city of Toronto, how will this new structure expedite in a more timely and effective fashion the appeals that are before the new organization and the backlog so they get some answers that are positive?

**Hon Mrs Ecker:** Those cases on the backlog will still be heard under the old rules by the old Social Assistance Review Board, while the new tribunal starts to phase in on the new cases. We're taking the time to do this properly so that those cases get the attention they deserve.

It's also important to note that the procedural changes have cleared over 400 cases off the backlog. That is a reduction of 15%, and the pace of that reduction has been increasing. We're finding that not only is that giving those individuals who are appealing decisions better service and faster service, it also means that the money they are using, the taxpayers' money, is being used much more effectively and much better.

#### INTERCOUNTRY ADOPTION

**Mr Joseph Cordiano (Lawrence):** I have a question for the Minister of Community and Social Services. As you well know, my colleague the member for Windsor-Walkerville and I had a press conference a few months ago on behalf of families trying to adopt children from Romania. We were forced to have a press conference because of your failure to ratify the Hague Convention on intercountry adoption. The convention has been adopted federally as well as by many of our provinces across the country, yet despite your promises and assurances you have failed to ratify it here in Ontario. Your failure has caused many of these families a great deal of grief and anxiety.

Minister, as you also know, I have introduced private member's legislation, Bill 23, that would see this convention finally adopted here in Ontario. I want to ask you, when are you going to bring this bill forward for ratification in this House?

**Hon Janet Ecker (Minister of Community and Social Services):** I appreciate the question from the honourable member. As you know, when it became obvious that Romania, the one country that changed its procedures, was not going to grandparent those families that were in the midst of trying to adopt a child, through the efforts of my officials and the federal government officials we were able to come up with a special agreement to allow those families to complete their adoptions.

I think I should also stress that Ontario does support the Hague Convention. That has certainly moved forward the principles that countries have tried to agree to, and we will be moving forward with changes in the legislation to help improve services for families that require adoption services.

**Mr Cordiano:** You've given me an assurance that you have moved forward in this session to ratify the Hague

Convention. You were even quoted in the Windsor Star some time ago as saying: "Legally, we can do standalone pieces of legislation. I don't care if it's a government bill or a Liberal bill or an NDP bill. If we can do it with all-party agreement, I'm fully prepared to recommend that to the House leaders."

Minister, legislative counsel drafted the legislation I brought forward and it is a standalone piece of legislation, so what are you waiting for? When are you going to bring that legislation forward for consideration by this House? As I understand it, most members in the House would support it. Why are you delaying?

**Hon Mrs Ecker:** There is no delay, but I would like to point out to the honourable member that the bill he brought forward — it is a very helpful contribution to the process of reforming legislation, but Hague Convention adoptions only deal with roughly 17% of the adoptions Ontario is involved in. If we're going to look at trying to fix the situation for those families involved in international adoptions, I think we should look at a solution that is not going to deal with only a small percentage, but see if we cannot solve the problems for the entire group.

I thank the honourable member for the contribution to that policy debate. It has been very helpful, but as he knows from when we had the discussion, there are many more families from many more countries, for example China and Russia, which supply a number of children for adoption here in Ontario, and they do not subscribe to the Hague Convention. So simply implementing the Hague Convention is not by any stretch of the imagination going to solve the problem. We need further work.

#### IPPERWASH PROVINCIAL PARK

**Mr Peter Kormos (Welland-Thorold):** To the government House leader: Dudley George was shot and killed in Ipperwash in September 1995 and there remain serious questions surrounding Mr George's death, questions of grave concern to the people of this province. We've asked the Premier time and time again to do the right thing, to show some integrity, to call a public inquiry. All this government has done is stall, delay and postpone the issue.

On May 25, we served notice to the clerk of the standing committee on the administration of justice asserting our right to a hearing under standing order 124, a review around the issues surrounding the death of Dudley George. Two days ago, it was brought to our attention that the government had chosen to refer Bill 15, a budget bill, to the justice committee. It has been the normal expectation — you know that; you've been here a long time — that a budget bill would go to the finance committee. It has no place in the justice committee.

Then yesterday, minutes after the subcommittee had confirmed our standing order 124 hearing to commence on June 15, you tabled a motion putting the workfare amendment bill before the same justice committee to stall that inquiry. What kind of games are you playing?

**Hon Norman W. Sterling (Minister of the Environment, Government House Leader):** I understand the



member's question. We discussed this in this House on a point of order by another member of his party. What we're doing is following the standing orders. We are fully complying with the standing orders and we will continue to do so.

**Mr Kormos:** It's not a matter of whether or not it's in order. It's a matter of whether or not it's ethical and whether or not it's integrous. The fact is that your Bill 22 belongs in the same committee where Bill 142, the workfare bill, was discussed, the standing committee on social development. There is no other legislation pending before the social development committee. That committee sits idle. It's obvious what you're trying to do. You're trying to circumvent our right to utilize standing order 124. You're playing games.

Dudley George is dead. There are serious questions that have prevailed for over two years now. You're a party to the coverup that's becoming more and more apparent. You know the same request under 124 has been put on the agenda of almost every other relevant committee in this House. It's going to happen one way or the other. You can try to continue stonewalling or you can come clean and participate in enforcing the standing orders. Will you stop blocking the hearings into Ipperwash and agree to clear the air around this matter once and for all, please?

**Hon Mr Sterling:** Of course I deny each and every allegation which the member makes. We will continue to live by the standing orders of this Legislative Assembly. All members are required to live by them, and we will continue to do so.

1510

### MAGNETIC RESONANCE IMAGER

**Mr Dominic Agostino (Hamilton East):** My question is to the Minister of Health. Minister, I want to ask you about the MRI situation in Hamilton. Your ministry currently has one MRI which covers the Hamilton-Niagara region. That MRI machine at McMaster is operating 16 hours a day. You funded that until April 1. The hospital is now in a position where they cannot afford to continue to pick up the additional cost, which equals about \$500,000. As of June 15, they are going to go back to eight hours a day, which will make the waiting list for MRIs in that region from seven months to 14 months.

Can you today guarantee the hospital that you're going to continue to fund the full amount to continue operating this machine for 16 hours a day so people don't have to wait 14 months for MRIs in our region?

**Hon Elizabeth Witmer (Minister of Health):** As the member knows, our government has been endeavouring to ensure that people have access to the priority services across Ontario. We want to make sure that no matter where people live they have equal access. As a result, we are increasing the number of MRIs in this province three times compared to the number that were in this province in 1995. We are moving forward.

We recognize that there is a pressure in the Hamilton community. We continue to dialogue, and as soon as we are in a position where all of the information has been provided, we will be going ahead and we will be ensuring that the additional MRIs that have been recognized to be necessary are going to be provided for people not only in Hamilton but in other parts of the province as well. In fact, that was part of the reason for the Health Services Restructuring Commission: to determine what the needs of people in this province were and to ensure that we could provide those services as close to home as possible.

**Mr Agostino:** Minister, that answer is a joke. Clearly you have no commitment to MRIs. You're not committed to funding MRIs. We face a crisis. Since April 15 they've run on their own budget, with the \$10-million deficit they already have. You announced through your restructuring commission, with great fanfare, two new MRIs for Hamilton. It sounds great. Except there's a problem: You haven't announced any funding, and you haven't announced any capital costs.

MRIs cost \$2.5 million to \$3 million each to install. They cost about \$1 million a year to operate. What you have offered is \$150,000 per year, which does not even cover the maintenance contract to keep the machines going. You have neglected the people of Hamilton. You're fooling them with your dog-and-pony show and your phoney public relations exercise while people are waiting seven months, a year and a year and a half for MRIs.

Again, Minister, will you commit today that you will fully fund the two new MRIs which have been committed to Hamilton and follow the recommendation of your restructuring commission that recommends that you fund them to \$1 million a year and not the 150,000 few bucks that you have promised to give, which is not enough to even keep the machines running?

**Hon Mrs Witmer:** Unfortunately, neither your government nor the NDP government did anything to ensure broader access to MRIs. It is our government now that is, as I say, tripling the number of MRIs in this province. If there is an additional need for MRI services, our government has indicated we're prepared to fund it. There are two additional MRIs that have been designated for Hamilton, and we will be moving forward to make those available to people in your community. People will have the access they need.

### SPEAKER'S RULING

**The Speaker (Hon Chris Stockwell):** Before petitions, I want to take this opportunity now that the members for Etobicoke-Rexdale and Algoma are here to read the point of order that was raised by the member for Algoma.

On Thursday, May 14, the member for Etobicoke-Rexdale introduced a bill entitled An Act to amend the Education Act and the Income Tax Act to provide for a tax credit for private sector investment in classroom technology.

After the bill received first reading, the member for Algoma rose on a point of order to draw the attention of

the House to his contention that the title of the bill strongly pointed in the direction of the bill being out of order for the reason, in the member's words, that "This is an attempt by a member who is not part of the government bench to introduce a tax measure, that this is a bill that would provide for a tax credit, which only a member of the treasury bench can introduce in the House."

Because the bill had only just then been introduced and given first reading, no member of the House except for the sponsor had seen the bill, including myself. I committed to review the bill once it had been printed and distributed, which I have done, and to report back on this issue.

Standing order 56 states:

"Any bill, resolution, motion or address, the passage of which would impose a tax or specifically direct the allocation of public funds, shall not be passed by the House unless recommended by a message from the Lieutenant Governor, and shall be proposed only by a minister of the crown."

With respect to the orderliness of Bill 24, it does not impose a tax; indeed, it does the opposite in alleviating a tax. It does not specifically allocate public funds. Its passage may cause the government to forgo a certain amount of revenue, and thereby impose a burden on the consolidated revenue fund, but this equates only indirectly to an expenditure. Therefore, there are ample precedents fully supporting the permissibility of such a proposal. I therefore find the bill to be in order.

## PETITIONS

### ELECTORAL REFORM

**Mr Dwight Duncan (Windsor-Walkerville):** I have a petition to the Legislative Assembly of Ontario.

"Whereas the Conservative government of Mike Harris is trying to increase the limit on the amount of money that corporations and individuals are allowed to contribute to political parties and individual candidates in Ontario; and

"Whereas the Harris government plans to introduce legislation to permit political parties and candidates to spend far more money during election campaigns; and

"Whereas the Conservative government of Mike Harris would like to remove certain campaign expenditures such as polling and campaign headquarters equipment from the spending limits placed on political parties and candidates; and

"Whereas the Conservative government is proposing to abolish the Ontario election finances commission, the watchdog agency policing political contributions and expenditures; and

"Whereas the Harris government wishes to shorten the length of provincial election campaigns and to permit expensive media advertising throughout the entire campaign period, thereby favouring the political parties and candidates with the most money; and

"Whereas the changes to the Election Finances Act proposed by Mike Harris will give undue and unacceptable influence to the wealthiest and most powerful interests in our province and will result in the problems that have plagued the American political system, where money plays a central role;

"Therefore we, the undersigned, call upon Mike Harris to abandon his planned legislation which will permit substantial increases in the amount of money that can be contributed by corporations and individuals to political parties and candidates and the amount of money the political parties and candidates can spend in provincial elections."

I'm pleased to affix my signature to this petition.

### PROTECTION FOR HEALTH CARE WORKERS

**Mr Ernie Hardeman (Oxford):** I have a petition to the Legislative Assembly of Ontario.

"Whereas nurses in Ontario often experience coercion to participate in practices which directly contravene their deeply held ethical standards; and

"Whereas pharmacists in Ontario are often pressured to dispense and/or sell chemicals and/or devices contrary to their moral or religious beliefs; and

"Whereas public health workers in Ontario are expected to assist in providing controversial services and promoting controversial materials against their consciences; and

"Whereas physicians in Ontario often experience pressure to give referrals for medications, treatments and/or procedures which they believe to be gravely immoral; and

"Whereas competent health care workers and students in various health care disciplines in Ontario have been denied training, employment, continued employment and advancement in their intended fields and suffered other forms of unjust discrimination because of the dictates of their consciences; and

"Whereas the health care workers experiencing such unjust discrimination have at present no practical and accessible legal means to protect themselves,

"We, the undersigned, urge the Ontario government to enact legislation explicitly recognizing the freedom of conscience of health care workers; prohibiting coercion of and unjust discrimination against health care workers because of their refusal to participate in matters contrary to the dictates of their consciences; and establishing penalties for such coercion and unjust discrimination."

It's signed by a great number of constituents in my riding, and I present it on their behalf.

### ROAD SAFETY

**Mr Mike Colle (Oakwood):** I have a petition to the Legislature of Ontario.

"Whereas red light cameras can dramatically assist in reducing the number of injuries and deaths resulting from red light runners; and



"Whereas red light cameras only take pictures of licence plates, thus reducing privacy concerns; and

"Whereas all revenues from violations can be easily directed to a designated fund to improve safety at high-collision intersections; and

"Whereas there is a growing disregard for traffic laws resulting in serious injury to pedestrians, bicyclists, motorists and especially children and seniors; and

"Whereas the provincial government has endorsed the use of a similar camera system to collect tolls on the new 407 tollway; and

"Whereas mayors and concerned citizens across Ontario have been seeking permission to deploy these cameras due to limited police resources;

"We, the undersigned, petition the Legislature of Ontario as follows:

"That the province of Ontario support the installation of red light cameras at high-collision intersections to monitor and prosecute motorists who run red lights."

I affix my name to this petition.

1520

#### ABORTION

**Mr Robert W. Runciman (Leeds-Grenville):** I have a petition signed by approximately 200 residents of Gananoque.

"Whereas Ontario taxpayers funded over 45,000 abortions in 1993 at an estimated cost of \$25 million; and

"Whereas pregnancy is not a disease, injury, or illness, and abortions are not therapeutic procedures; and

"Whereas the vast majority of abortions are done for reasons of convenience or finance; and

"Whereas the province has the exclusive authority to determine what services will be insured; and

"Whereas the Canada Health Act does not require funding for elective procedures; and

"Whereas there is mounting evidence that abortion is in fact hazardous to women's health;

"Therefore we, the undersigned, petition the Legislative Assembly of Ontario to cease from providing any taxpayers' dollars for the performance of abortions."

#### TUITION FEES

**Mr Tim Hudak (Niagara South):** I am pleased to present a petition to the Legislative Assembly of Ontario. The students of Fort Erie high school, due to the good work of Brian Grassie, gathered the signatures. It reads as follows:

"Whereas the government of Ontario has granted permission for universities and colleges to increase their tuitions; and

"Whereas increased tuitions will lead to onerous student debt loads and end universal access to post-secondary education;

"We, the undersigned students of Fort Erie Secondary School, petition the Legislative Assembly of Ontario as follows:

"To rescind permission to universities and colleges to increase tuition and to adequately fund universities and colleges so as to maintain the present high quality of education."

#### STANDING ORDERS REFORM

**Mr John Gerretsen (Kingston and The Islands):** I have a petition here that directly deals with the matter we'll be dealing with today, and that's the standing orders and such issues as closure and things along those lines. It states as follows:

"Whereas the people of Ontario want rigorous discussion on legislation dealing with public policy issues like health care, education and care for seniors; and

"Whereas many people in Ontario believe that the Mike Harris government is moving too quickly and recklessly, creating havoc with the provision of quality health care and quality education; and

"Whereas the Mike Harris government has passed new legislative rules which erode the ability of both the public and the media to closely scrutinize the actions of the Ontario government; and

"Whereas Mike Harris and Ernie Eves, when they were in opposition, defended the rights of the opposition and used the rules to their full advantage when they believed it was necessary to slow down the passage of controversial legislation; and

"Whereas the Mike Harris government has now reduced the amount of time that MPPs will have to debate the important issues of the day; and

"Whereas the Mike Harris government, through its rule changes, has diminished the role of elected members of the Legislative Assembly who are accountable to the people who elect them, and instead has chosen to concentrate power in the Premier's office in the hands of people who are not elected officials;

"We, the undersigned, call upon Mike Harris to withdraw his draconian rule changes and restore rules which promote rigorous debate on contentious issues and hold the government accountable to the people of Ontario."

I agree with this petition and have signed it accordingly.

#### PROTECTION FOR HEALTH CARE WORKERS

**Mr Joseph N. Tascona (Simcoe Centre):** I have a petition to the Legislative Assembly of Ontario. It is signed by a number of my constituents, and it reads:

"Whereas nurses in Ontario often experience coercion to participate in practices which directly contravene their deeply held ethical standards; and

"Whereas pharmacists in Ontario are often pressured to dispense and/or sell chemicals and/or devices contrary to their moral or religious beliefs; and

"Whereas public health workers in Ontario are expected to assist in providing controversial services and

promoting controversial materials against their consciences; and

"Whereas physicians in Ontario often experience pressure to give referrals for medications, treatments and/or procedures which they believe to be gravely immoral; and

"Whereas competent health care workers and students in various health care disciplines in Ontario have been denied training, employment, continued employment and advancement in their intended fields and suffered other forms of unjust discrimination because of the dictates of their consciences; and

"Whereas the health care workers experiencing such unjust discrimination have at present no practical and accessible legal means to protect themselves;

"We, the undersigned, urge the government of Ontario to enact legislation explicitly recognizing the freedom of conscience of health care workers, prohibiting coercion of and unjust discrimination against health care workers because of their refusal to participate in matters contrary to the dictates of their consciences and establishing penalties for such coercion and unjust discrimination."

#### HOSPITAL RESTRUCTURING

**Mrs Lyn McLeod (Fort William):** I have a petition to the Legislative Assembly of Ontario.

"Whereas Thunder Bay and district are suffering from serious deterioration in our health care system because of the closing of hospital beds before community services and long-term-care facilities are available;

"We, the undersigned, therefore petition the Legislative Assembly of Ontario to make it an urgent priority to provide more long-term-care services in the home and to provide a sufficient number of long-term-care institutional beds and staff in order to restore the standards of health care to an acceptable level."

#### PROTECTION FOR HEALTH CARE WORKERS

**Mr Bart Maves (Niagara Falls):** I have a petition which is the same as the one that the member for Simcoe Centre read, urging the government of Ontario to enact legislation explicitly recognizing the freedom of conscience of health care workers.

#### ELECTORAL REFORM

**Mr John Gerretsen (Kingston and The Islands):** I have a very timely petition here.

"Whereas the Conservative government of Mike Harris is trying to increase the limit on the amount of money that corporations and individuals are allowed to contribute to political parties and individual candidates in Ontario; and

"Whereas the Harris government also plans to introduce legislation to permit political parties and candidates to spend far more money during election campaigns; and

"Whereas the Conservative government of Mike Harris would like to remove certain campaign expenditures such

as polling and campaign headquarters equipment from the spending limits placed on political parties and candidates; and

"Whereas the Conservative government is proposing to abolish the Ontario election finances commission, the watchdog agency policing political contributions and expenditures; and

"Whereas the Harris government wishes to shorten the length of provincial election campaigns and to permit expensive media advertising throughout the entire campaign period, thereby favouring the political parties and candidates with the most money; and

"Whereas the changes to the Election Finances Act proposed by Mike Harris will give undue and unacceptable influence to the wealthiest and most powerful interests in our province and will result in the problems that have plagued the American political system, where money plays a central role;

"Therefore we, the undersigned, call upon Mike Harris and his government to abandon its planned legislation which will permit substantial increases in the amount of money that can be contributed by corporations and individuals to political parties and candidates and the amount of money that political parties and candidates can spend in provincial elections."

I totally agree with this and I will sign this petition as well.

#### PROTECTION FOR HEALTH CARE WORKERS

**Mr Ted Arnott (Wellington):** To the Legislative Assembly of Ontario:

"Whereas nurses in Ontario often experience coercion to participate in practices which directly contravene their deeply held ethical standards; and

"Whereas pharmacists in Ontario are often pressured to dispense or sell chemicals or devices contrary to their moral or religious beliefs; and

"Whereas public health workers in Ontario are expected to assist in providing controversial services and promoting controversial materials against their consciences; and

"Whereas physicians in Ontario often experience pressure to give referrals for medications, treatments and/or procedures which they believe to be gravely immoral; and

"Whereas competent health care workers and students in various health care disciplines in Ontario have been denied training, employment, continued employment and advancement in their intended fields and suffered other forms of unjust discrimination because of the dictates of their consciences; and

"Whereas the health care workers experiencing such unjust discrimination have at present no practical and accessible legal means to protect themselves;

"We, the undersigned, urge the government of Ontario to enact legislation explicitly recognizing the freedom of conscience of health care workers, prohibiting coercion of and unjust discrimination against health care workers



because of their refusal to participate in matters contrary to the dictates of their consciences and establishing penalties for such coercion and unjust discrimination.”

### VIDEO LOTTERY TERMINALS

**Ms Annamarie Castrilli (Downsview):** I have a very timely petition signed by Ontario residents.

“Since video lottery terminals will contribute to gambling addiction in Ontario and the resulting breakup of families, spousal and child abuse and crimes such as embezzlement and robbery; and

“Since the introduction of video lottery terminals across Ontario will provide those addicted to gambling with widespread temptation and will attract young people to a vice which will adversely affect their lives for many years to come; and

“Since the introduction of these gambling machines across our province is designed to gain revenue for the government at the expense of the poor, the vulnerable and the desperate in order that the government can cut income taxes, to the greatest benefit of those with the highest income; and

“Since the placement of video lottery terminals in bars in Ontario and in permanent casinos in various locations across the province represents an escalation of gambling opportunities; and

“Since Premier Harris and Finance Minister Eves were so critical of the provincial government becoming involved in further gambling ventures and making the government more dependent on gambling revenues to maintain government operations,

“We, the undersigned, call upon Premier Harris and the government of Ontario to reconsider its announced decision to introduce the most insidious form of gambling, video lottery terminals, to restaurants and bars in the province.”

I affix my signature to this petition.

1530

### CHIROPRACTIC HEALTH CARE

**Mr John O'Toole (Durham East):** I knew my time would come.

“To Premier Mike Harris, Health Minister Elizabeth Witmer and members of the Ontario Legislature:

“Whereas the Ministry of Health has recently strengthened its reputation as the Ministry of Medicine through its \$1.7-billion three-year agreement with the Ontario Medical Association; and

“Whereas the Mike Harris government is restricting access to alternative cost-saving treatments for patients of the province; and;

“Whereas two recent reports commissioned by the Ministry of Health called for increased OHIP funding to improve patient access to chiropractic services, on the grounds of safety, effectiveness and cost-effectiveness; and

“Whereas over one million Ontario adults now use chiropractic services annually, increasingly those with higher incomes because of the cost barrier caused by government underfunding; and

“Whereas the Mike Harris government has shown blatant disregard for the needs of the citizens of Ontario in restricting funding for chiropractic services;

“We, the undersigned, petition the Legislative Assembly of Ontario to recognize the contribution made by chiropractors to the good health of the people of Ontario, to recognize the taxpayer dollars saved by the use of low-cost preventive care such as that provided by chiropractors and to recognize that to restrict funding for chiropractic health care only serves to limit access to a needed health care service.”

I'm very pleased to sign my name to this petition.

### PRESENTATION OF PETITIONS

**Mr John Hastings (Etobicoke-Rexdale):** Point of order.

**The Deputy Speaker (Ms Marilyn Churley):** Time for petitions is over. Minister.

**Mr Hastings:** On a point of order, Madam Speaker: I stood up four times. How many times do you have to stand up around here to get some recognition?

**The Deputy Speaker:** Take your seat, please.

**Mr Hastings:** I won't take my seat.

**The Deputy Speaker:** Order, please. That's completely inappropriate.

If I could say to the members about petitions, you all know how it works. It goes in rotation and many people from the caucuses stand and all of us in the chair attempt to be fair and remember from day to day and try to make sure that everybody gets their petition read. Minister.

**Mr Steve Gilchrist (Scarborough East):** On a point of order, Madam Speaker: Seeing we're on the topic of petitions and the appropriateness of not just the recognition but the content, I have a number of concerns about what has been happening of late.

Standing order 38(b) is very clear and it does not give a choice. It says:

“A member may present a petition in the House during routine proceedings under the proceeding ‘Petitions.’ The member may make a brief statement summarizing the contents of the petition and indicating the number of signatures attached thereto.”

The standing orders do not anywhere else in that section suggest that there is another option for members that they may read the entire petition.

Furthermore, in today's session alone, the member for Kingston and The Islands twice presented identical petitions. They were each rejected, and under standing order 38(d), “Every member presenting a petition shall ensure that the petition conforms with the standing orders.” I submit to you that after the first copy of the two-page petition was rejected the member violated the standing orders in standing and presenting an identical petition,

knowing that the table had rejected the petition the first time.

Madam Speaker, my suggestion to you, in light of the fact that in all the days that we've had these proceedings we have never once had all the attempts to submit petitions satisfied — I appreciate your attempts to be fair and go through the rotation. However, as is frequently the case, there are one or two opposition members standing and there may be 15 or 20 government members standing at the same time. The rotation is therefore totally inappropriate because the bias therefore goes to the two opposition parties.

My suggestion to you, Madam Speaker, is to interpret rule 38(b) as it is clearly stated. It does not say "and/or." There is no reference to the ability to read a petition in full, particularly the ones that are clearly manufactured, that clearly speak to legislative issues that have only been resolved an hour or two earlier and, if they are signed at all, could only be signed by the staff member or the members themselves.

That is not what this process is all about. This is about hearing submissions from people all across the province who have legitimate concerns they want expressed here. They want their concerns made part of the legislative calendar, part of the record of this assembly. They get that only if members are allowed to — Madam Speaker, this is a matter of privilege as well.

**The Deputy Speaker:** Member for Scarborough East, I get your point and I'm about to respond. I think it's very clear. Unless you have anything new to add, I've got your point of order.

**Mr Gilchrist:** I would also ask you to make it very clear to the members —

**The Deputy Speaker:** Order, please.

**Mr Gilchrist:** — what the consequence is of abusing 38(d) and abusing the privilege of the other members in this House —

**The Deputy Speaker:** I'm on my feet. Take your seat, please.

**Mr John Gerretsen (Kingston and The Islands):** On a point of privilege, Speaker.

**The Deputy Speaker:** No. I'm just about to rule on a point of order here.

**Mr Bud Wildman (Algoma):** I would like to comment on this.

**Mr Gerretsen:** A point of order.

**The Deputy Speaker:** Everybody take their seats just for a moment, please. If somebody has anything else to say on this point of order I will deal with that now. Is that what you have?

**Mr Gerretsen:** On exactly the same point of order: The member for Scarborough East has a tendency in this House to make many accusations. Before he starts making accusations about particular members, including myself, he'd better get the facts straight. I did not present the same petition twice. He could check this in Hansard on Thursday. I presented one petition with respect to the standing orders reform and another petition with respect to the finances matters. So he'd better get that straight.

**The Deputy Speaker:** Okay, take your seat. Thank you.

**Mr Wildman:** Madam Speaker —

**The Deputy Speaker:** Is this on the same point of order? I'd like to rule on this soon, because I think I can clarify what's happening here.

**Mr Wildman:** Just very briefly, Speaker, on the point raised by the member for Scarborough East: I think he may indeed have a point with regard to the introduction — perhaps not in this particular case — of petitions which are out of order. If a member has presented a petition which the Clerk has informed him or her is out of order, to introduce another one of the exact same wording may in fact be in contravention of the rules.

Having said that, though, with regard to the other point he raises about making a brief statement and not being an option to read the whole petition, I would draw to the attention of the Speaker that Mr Speaker Stockwell called me to order one time when I stood and made a brief statement about the content of the petition and informed me that I was making a speech and I should instead read the whole petition, which I then proceeded to do. While it may not be stated that way in the standing orders, certainly Mr Speaker Stockwell believes that members should indeed at least have the right, if not the obligation, to read the petition as it is written.

**Ms Annamarie Castrilli (Downsview):** On a point of order, Speaker.

**The Deputy Speaker:** I will hear brief additions to this point of order — very brief. I want it completely new or I'm not going to hear it. The member for Downsview.

**Ms Castrilli:** Thank you, Speaker. I'll address my remarks directly to section 38(b). I think it's clear on the face of it what the section is trying to say. It says two things, not "either/or." It says, "A member may present a petition," point one; a "member may make a brief statement," point two. They are two separate things. That means that you read the petition in its entirety and you may, if you wish, also make a statement. That's the clear language of the statute. In the absence of anything else, that is what the Speaker needs to go on.

1540

**Mr Gerretsen:** Madam Speaker, on a further point of order: I am still awaiting a comment from the member for Scarborough East, who accused me of reading the same petition in this House twice today when I did not do so.

**The Deputy Speaker:** That is not a point of order. You're right, that may be a point a privilege, but it's not a point of order.

Can I just try to rule on this. Let me start by saying, as I mentioned earlier, that I understand the frustrations of members day to day trying to get up on petitions — you have 15 minutes — but I want to be clear. The section states very clearly "may"; you "may." My ruling is you may present the petition or you may make a brief statement summarizing that petition.

I would agree that there has been some abuse of what petitions are all about in this House. We all know that they're supposed to be from constituents, representing



constituents, and I would ask the members to not abuse the process and to keep that in mind. But I would also say that I, as the Speaker, cannot make that judgement about a petition until it is presented to the table and rejected.

I would ask that all members be aware when they're presenting petitions that they should be representing their constituents. Furthermore, bear in mind that you have 15 minutes. All the Speakers in this chair try every day to make sure that there is a variety of people from each party in rotation represented.

**Mr Wildman:** On a point of order, Madam Speaker: I have a modest proposal that might help to resolve this. We could lengthen the time allotted for petitions.

**The Deputy Speaker:** Okay. Shall we move on? Government House leader.

**Hon Norman W. Sterling (Minister of the Environment, Government House Leader):** I have a proposal that we do these at 1 o'clock. We can have half an hour and do them at that time.

## BUSINESS OF THE HOUSE

**Hon Norman W. Sterling (Minister of the Environment, Government House Leader):** I would like to indicate what the business of the House will be, pursuant to order 55, for the week of June 8.

On June 8, in the afternoon we will be dealing with Bill 108, the streamlining of administration of provincial offences; in the evening Bill 25, which is the Red Tape Reduction Act.

On the afternoon of Tuesday, June 9, we'll be dealing with Bill 22, Bill 108 and Bill 12. In the evening we'll be dealing with Bill 25, the Red Tape Reduction Act again.

Wednesday afternoon is the NDP opposition day, and in the evening we'll be dealing with Bill 16, the Small Business and Charities Protection Act, for third reading. If Bill 16 is printed prior to Wednesday, we may in fact call it an earlier time, either on Monday or Tuesday, but we expect it to be printed by that day.

On Thursday morning, private members' public business, ballot items 15 and 16 will be called, and in the afternoon Bill 25, the Red Tape Reduction Act, will be called for second reading.

It may be necessary to also convene the House on the evening of Thursday, June 11, in order to conduct government business.

## ORDERS OF THE DAY

### TIME ALLOCATION

**Hon Norman W. Sterling (Minister of the Environment, Government House Leader):** I move that pursuant to standing order 46, and notwithstanding any of the other standing orders or special order of the House relating to Bill 22, An Act to Prevent Unionization with respect to Community Participation under the Ontario

Works Act, 1997, when Bill 22 is next called as a government order, the Speaker shall put every question necessary to dispose of the second reading stage of the bill without further debate or amendment, and at such time the bill shall be referred to the standing committee on administration of justice;

That the standing committee on administration of justice shall be authorized to meet to consider the bill at its regularly scheduled meeting times on June 15, 16, 22 and 23, 1998, and for four days during the summer recess;

That pursuant to standing order 74(d), the Chair of the standing committee on administration of justice shall establish the deadline for the tabling of amendments or for filing them with the clerk of the standing committee;

That the committee be authorized to meet one further afternoon during the recess to complete clause-by-clause consideration of the bill;

That, at 4 pm on that day, those amendments which have not yet been moved shall be deemed to have been moved, and the Chair of the committee shall interrupt the proceedings and shall, without further debate or amendment, put every question necessary to dispose of all remaining sections of the bill and any amendments thereto;

That any divisions required shall be deferred until all remaining questions have been put and taken in succession with one 20-minute waiting period allowed pursuant to standing order 127(a);

That the committee shall report the bill to the House on the first available day that reports from committees may be received. In the event that the committee fails to report the bill on the date provided, the bill shall be deemed to have been passed by the committee and shall be deemed to be reported to and received by the House;

That upon receiving the report of the standing committee on administration of justice, the Speaker shall put the question for adoption of the report forthwith and at such time the bill shall be ordered for third reading;

That one sessional day shall be allotted to the third reading stage of the bill. At 5:55 pm or 9:25 pm, as the case may be, on such day, the Speaker shall interrupt the proceedings and shall put every question necessary to dispose of this stage of the bill without further debate or amendment;

That the vote on third reading of the bill may, at the request of any chief whip of a recognized party in the House, be deferred until the next sessional day during the routine proceeding "Deferred votes"; and

That, in the case of any division relating to any proceeding on the bill, the division bells shall be limited to five minutes.

I would like to indicate that I'll be sharing my time with the member for Chatham-Kent with regard to this bill.

I believe there has been agreement between the various members of the House that the vote originally scheduled for 6 pm has been moved back to 5:30 pm. The government party will be taking approximately 15 minutes and there is an agreement that the remaining part of the time

will be divided between the opposition and the third party. I would ask for unanimous consent that that be adopted.

**The Deputy Speaker (Ms Marilyn Churley):** Is there agreement that the government take 15 minutes and the remaining time be split evenly between the two opposition parties? Agreed.

**Mr Jack Carroll (Chatham-Kent):** I appreciate the opportunity today to participate in this debate on a time allocation motion. I think it would be wise for us just to talk about Bill 22 and what Bill 22 is designed to do.

I'd like to quote from the bill. It's a very small bill. It's only one page in the two official languages. It says, "...under the Labour Relations Act, 1995 no person shall do any of the following with respect to his or her participation in a community participation activity...." Of course, that's what we mean by Ontario Works. As a participant in Ontario Works they're prohibited from joining a trade union, they're prohibited from having the terms and conditions under which they participate determined through collective bargaining and they're prevented from going on strike.

I think we should take a look at who the participants are in Ontario Works and we should understand that they are covered by workplace safety issues and they are covered under the terms of workers' compensation, but the people we're referring to are people who are trapped in the welfare system.

When we came to power in 1995, one out of every eight people in this great province found themselves trapped in the welfare system. As Tony Silipo, the member opposite in the third party, said back in 1993, "If there's one thing just about everybody agrees with, it's that Ontario's welfare system isn't working."

Mr Silipo was very right, it wasn't working. We introduced some changes and those changes are called Ontario Works. We're trying to do what we can to allow these people, to encourage these folks to get back into the work force.

The Labour Relations Act was designed for people who are gainfully employed. The Labour Relations Act in that respect is a good piece of legislation that served its purpose. But the Labour Relations Act was never designed for people who are on welfare.

1550

We're looking at a time allocation motion here today. We're dealing with an issue that we spent three days debating, and now we're going to spend today debating a time allocation motion. I'm not aware of any particular issue that has caused so much waste of productive time in this House as this particular one.

This particular issue was also part of Bill 142. When it came before the committee for clause-by-clause consideration, the Liberals said absolutely nothing about this particular issue. They did not say a word, according to Hansard.

The member for Beaches-Woodbine, on behalf of the NDP, had some comments to make. She had some concerns, and those concerns were dealt with. I will quote from Hansard what the member for Beaches-Woodbine

said during clause-by-clause consideration of this issue. She said, "I'm not suggesting that they should be covered by, for example, the collective agreements that may be in place in those workplaces." So even the member for Beaches-Woodbine agreed with the idea that people in Ontario Works, as I understand her comments anyway, should be covered by collective agreements, yet the third party would argue against this particular piece of legislation.

The Liberal Party position on this is interesting, because while they said nothing at committee about this issue, they've been participating in the arguments here.

I want to make reference to a couple of things that were said some time ago.

**Mr Peter Kormos (Welland-Thorold):** Why are you killing debate on it?

**The Deputy Speaker:** Member for Welland-Thorold, come to order.

**Mr Carroll:** It's interesting. From the 1996 estimates committee meeting, Liberal Mike Brown said: "As a matter of fact, I kind of like your workfare program. I shouldn't say that," he went on to say.

During the election, the leader of the Liberal Party at that time, the member for Fort William, said: "If people refuse to participate in a program, their payments would be reduced. Community service is completely suitable for people who have small children." So even the leader of the official opposition at that particular point in time believed in the concept of mandatory use of workfare.

The majority of the people in the province agree with the idea of Ontario Works. There was a radio call-in show that happened down in Windsor back in 1996. Everybody in this House understands that the community of Windsor, which is very close to my home community of Chatham-Kent, is not overrun with people of a Conservative persuasion, but at a radio call-in show in 1996 in Windsor the question was: "The provincial government is thinking of implementing a system of workfare. It would require a single welfare recipient to do 17 hours of community work weekly in order to collect their cheque. What is your feeling about that?" That was the question. Some 312 people responded to that question in Windsor — we're talking about Windsor now — and 285 of them, or 90%, agreed totally with the concept of the Ontario Works requirement that people on welfare should be required to participate in community placements.

I want to read a couple of quotes, if I may.

"Workfare is a great idea. It would give people who are on welfare some self-esteem and the thought that they can go out and do some type of work. Also, they'll realize they can earn a living rather than living off the system. If welfare children see their parents go off to work, maybe we'll be able to break the vicious cycle of generational welfare." That came from a listener in Windsor.

A further comment: "Yes, I agree with the approach. Everyone has to earn a living in this world. Nobody should be given money for doing nothing." Another comment from Windsor.



Madam Speaker, for you and I in the jobs that we have in life right now, working is not an option for us, as it isn't for anybody. If you have a paycheque, you have to work for it. We don't have the option of saying, "Well, I want my paycheque but I'm not going to work." If we want a paycheque, work is mandatory.

I don't quite understand the hangup that people have with community participation to assist people who are trapped in a welfare system to get some training, to get reconnected to the workplace, to establish some contacts with some other people, why those in the opposition would have such a problem with us saying that people collecting welfare have an obligation to do that, rather than just that they can do it if they'd like to. In real life, real work is not optional; real work for all of us is mandatory.

Let's look at the issue of how much time we're talking about. We're talking about 17 hours a week of community participation. We're not asking people to spend 40 hours a week; we're only asking them to spend 17 hours a week. We're asking them to do that to help themselves. One of our basic philosophies is that people have a responsibility to participate in their own improvement. They can no longer sit back and rely on big government to do everything for them. They need to participate; they need to get out and help themselves. There's all kinds of evidence that this is working.

I want to refer to some comments we heard from some people who are participating.

"I can tell you honestly, if it weren't for the Ontario Works program, I would still be collecting \$520 a month." That comes from Marie Johnson, an Ontario Works participant from Brockville.

Ontario Works participant Debbie from Brantford says of her workfare placement at the children's aid society: "After a few days there I wanted to be there. I wanted to get up and go. I felt I had something to contribute."

Sandra, another Ontario Works participant in Brantford, signed up for community placement at the Festival County Travel Association. Things have gone so well that she's now working a few extra days and getting paid for it.

The evidence is there that the people who are participating in Ontario Works are in fact benefiting themselves.

It's interesting as we look around the province and see the results we've generated so far. We see a situation where because of our reforms to the welfare system, over 250,000 people have moved out of dependency on welfare and moved to some sort of productive work. We see a situation where there are tens of thousands of participants in the Ontario Works program, and I know in my community of Chatham-Kent we've had wonderful success with the program.

In those communities where organized labour has not intimidated both the people who want to participate and those agencies who would have them participate, it seems the Ontario Works program has been very successful. But in other communities, where organized labour has seen fit to do everything they can to intimidate United Way, to intimidate heart and stroke foundations, to intimidate poor

people who are trapped in the welfare system, in all those communities where labour has taken that position, the Ontario Works program has had difficulty getting going. The people who would benefit from it have not been given the opportunity to move forward with their lives and to find productive employment.

It is time to move on. We have spent a lot of time debating this issue. We're now into a time allocation motion which hopefully will finish up this afternoon, but we've spent a lot of time on this issue. As I've said before in this House, the opposition has their role to play, and it's that role of opposing everything. The government's responsibility, on this side of the House, is to manage the affairs of the government and to create policy that will benefit people. We are doing that. Ontario Works does that big-time, for some of the most needy people in our province. It is time to get on and do that.

We have spent a lot of money on this particular issue. We have this one-page bill, and I'm sure now we'll probably have to spend some time in committee. We have a one-page bill that we've spent three or four days on. That same one-page bill, that same section, gathered all of 10 minutes' discussion during debate at clause-by-clause.

What we have here is a waste of time on an issue that couldn't be more logical. This is a bill that says that those who are participating in Ontario Works community placements, those who are being compensated by the taxpayers of Ontario because they're struggling at the current time but who are participating in Ontario Works placements because that's their ticket back to a better life — this bill says those people can't join a trade union, can't have the terms and conditions of their employment negotiated through collective bargaining and they can't go on strike. I know of nothing that we've talked about in this House that makes more sense than that, and it's time to get on with it.

1600

**The Acting Speaker (Mr Bert Johnson):** Further debate?

**Mrs Sandra Papatello (Windsor-Sandwich):** I am very happy to speak to this closure debate. It's very unfortunate that it's happening in this manner.

I always marvel at the Conservative members who stand up and talk about the waste of time that we've spent on this bill. The truth is that if Conservative members had not been sleeping at committee last November, one floor down in committee room 1, if the members had not been asleep when we were doing the clause-by-clause on Bill 142 and we got to section 73, which is subtitled "Community participation," that clause would have passed. The Conservative members had enough members on the committee to pass any single thing they wished, because they have the majority of members.

The truth is, the sleeping beauty from London South was asleep; another gentleman was reading newspapers; another was doing correspondence. That didn't leave enough, so when the opposition parties voted opposed, the clause was defeated. You did not get section 73 passed because your members were asleep at committee.

Taxpayers paying their salaries regardless, they were sleeping. That is the simple fact of what we now have as Bill 22. Here it's entitled, "Subsection 73 Not Passed: Conservative MPPs Sleeping at Switch." It was widely reported in the press at the time it happened.

Now we have Bill 22. Bill 22 has a section in it; miraculously, that section is section 73. I have to marvel that the Conservative members don't even want to talk about this part because it's so embarrassing to find you in the position to have to introduce a whole new bill into the House, a minimum of seven hours of debate, now a closure motion with more hours of debate on the closure of the debate on Bill 22, because your Conservative members were sleeping at the committee. This subsection would have passed long ago as part of Bill 142. What you did in the interim was take this subsection and turn it into a completely new bill and entitle it some "slam the labour" bill all over again.

What is amazing to me is that if you make the government calculation of how many dollars it costs to operate this House every hour, it's \$100,000. A minimum of seven hours of debate times \$100,000 — clearly a catnap that cost the province and taxpayers \$700,000. At the end of this debate, it's going to be sent to committee. They're calling for eight days of committee hearings at an estimated cost of \$2,000 a day for the committee, depending on where it will travel to. Now we can throw on another \$16,000 of cost for a subsection of the bill where the member for London South was asleep at the switch, where other members of the Conservative Party were reading newspapers and doing correspondence so that you forgot to vote when it came time to vote on that subsection 73, and you have the gall to stand in the House today and say that we want to waste time on discussing the elements of workfare.

You purport that workfare is working across Ontario. We can tell you factually that it is absolutely not working. Instead of addressing as a party, what you should do is look at a serious policy evaluation of workfare. Where you could introduce elements to move people from welfare into the workforce given the appropriate levels of support, you choose to bring forward policy written on the back of a napkin, entitled "Welfare for Workfare." You have no supporting information or policy direction for implementation, and every expert in the field told you that time and time again as we travelled with the hearings on Bill 142.

We went to North Bay, the home of the Premier, and the city council of North Bay said this was foolish. The people in North Bay, represented by their council — and we had a city councillor present to us in North Bay — told us: "There's nothing substantive about this workfare stuff. It's simply not going to work in this way." That was then. Let's roll back to November and the fall of 1997. Let's see what we've had happen since that time, since you brought the bill in, since you've rolled in regulation after regulation, reams of paper. What has happened in different communities?

Let's look at Ottawa. You have placements of 99, when you have thousands of people on the welfare rolls in Ottawa-Carleton. You consider 99 a success.

Let's look at Windsor. Where we have always had a very excellent welfare program in Windsor, you have 20.

In the city of London: 40 community placements. Here you have a very progressive city like London, where people know what it's going to take to move people from welfare into the workforce, namely a job, and the appropriate employment supports to get them into the workforce, and even they have come up with 40.

How absolutely embarrassing for the government to stand up here and talk about workfare as though you've brought some kind of manna down from the heavens, that this is the cure-all. What you have done is bungle it completely. It is sheer incompetence on the part of the Conservative Party to get elected on a platform of workfare when you've written it on the back of a napkin with no idea of its implementation.

The people who are out there in the field who work with welfare recipients day in and day out — you wouldn't even listen to them. You wouldn't listen to them tell you that education is a key for people to get into the workforce; you cut adult ed through your Ministry of Education. You didn't listen when they told you that they need day care because so many of our welfare recipients are single parents. I don't know if you expect that they're going to just leave their kids in the car or on some street corner while they go off to their workfare placement. If they had child care in the first place they could actually go out and look for a job.

This government chooses instead to roll us back to some Norman Rockwell era when we had some family unit of mom and dad taking care of kids, instead of recognizing the fact today in society, and that is that families are not like they used to be in the old days, if they ever were like that, because I question that as well. The fact is, you have more and more single parents today. This does nothing to help those single parents. It creates more and more stress on those families. In short, government policies since 1995 have done more to add stress to those same single parents that you purport to try to help.

When we spoke to Bill 22 the other day in the House, your Conservative MPPs refused to acknowledge that Bill 22 was simply the subsection 73 where your own sleeping beauty fell asleep in committee, failed to have that passed because he was sleeping. There was some question about whether he was actually asleep in committee, so one of the MPPs put it very succinctly, "Well, he was immobile for half an hour and his eyes were closed, so we drew the conclusion that he was sleeping" and I think that's probably a smart one.

In any event, we have travelled now to different parts of Ontario to see: Where is workfare working? Where is it actually happening? In the new year, the Minister of Community and Social Services went on a jet-set trip to Wisconsin because they heard that workfare was working in Wisconsin. In Wisconsin, over three years ago they introduced this program, and it was proclaimed by them to



be a dismal failure. What they recognized there was that they needed a significant resource enhancement of child care, that they needed to look specifically at training programs to move people into the workforce where jobs existed. They knew it was going to take an investment in these people to move them from welfare into the workforce.

This government, after having passed the bill, after having forwarded regulations, then the minister chose to get on a plane and travel to Wisconsin. Don't you think it would have been a good idea to do that kind of travelling and investigation before you passed the bill in the House that was doomed to failure from the start? Don't you think that was a good idea?

Instead, today we're talking about a bill that you've entitled "Slam the Labour Movement all Over Again." You're actually hoping to take it to committee for eight days of committee, more than the entire Bill 142 had, which has 88 pages' worth of new bill compared to a one-pager, which is what Bill 22 is. You want to take it around on a road show for eight days. At what cost?

1610

I would submit to you that our opposition parties combined will tell you that if you send it to committee, we'll talk about it at committee, we'll bring the bureaucrats in to talk to us about the bill, we'll have very limited discussions at committee and then you will bring it back into the House. So we're prepared to have the taxpayers save their money instead of you taking this out on a road show.

What we in the Liberal Party know is that of all the hundreds of amendments our party brought forward on Bill 142, many of which were based on very rational arguments put forward by the people who presented at our committee when it travelled, you adopted not one of our amendments — not one. I have no reason to believe that if we go back to committee and you choose to take it on the road again, the very same thing won't happen.

We simply and completely disagree with the movement that this government has made into workfare. We know it doesn't work. I am compelled to tell the public it doesn't work. I will continue to tell the public about this blatant disregard for taxpayers' money, that you would have the gall to come into this House for debate of Bill 22, for seven hours of debate at a cost of \$700,000, because your member was asleep for a very expensive catnap. Here we sit with Bill 22, now looking at a closure motion so it will be sent to committee so you'll be able to take it on the road again. It's absolutely ridiculous. It's such a complete waste of time that it makes one wonder, why would the government engage in this idiocy? Why would you do something that's just so stupid?

We arrive at the answer: This government, the Conservatives, are determined, through the use of taxpayers' money, to put more of this propaganda down the throats of the public, to try to go on some kind of public relations move across Ontario so you can talk about workfare.

Let me give you this guarantee: I don't care what community you go into, I will have the real workfare number. I will tell every community I am in about the failure of your

workfare program and I will tell every community what you should have done. I will tell every one of the communities we are in about your failure.

Let me suggest to you that the last time you chose to go on the road, you ended up with a series of headlines that were quite negative against the government. The worst part about that was that it was in your ridings. I remember the discussion with the member from Chatham, who argued — refused to come to Windsor, first of all; made people from Windsor, who were obviously interested, travel to London for the day so he could go into their Tory handpicked ridings. That's what they chose to do.

They wanted to go to Chatham. We ended up in North Bay, of all places. We had no overwhelming call from North Bay to bring it up there, but in any event, it was decided by the chancellor from Chatham to go to North Bay. We just assumed, the critic from the NDP and I, "We're probably going to go there and hear a lot of support for workfare." We received no support from the public of North Bay for the workfare program. In fact, we had acknowledgement that those people who would be placed would actually be replacing individuals who used to be paid for doing that work. Why? Because the placements were being put in public institutions that were receiving such significant cuts from this government that these organizations had no money to hire people, so that workfare placement actually translated into a job. There we have the failure of workfare.

No one thought fast-forward to ask: Are we placing people where it counts? Are you giving them the supports they need when they get there? Do you have training dollars available to train them? Do they have the upgrades in education required? Is it the kind of education training for the market that exists in the six months they're out there?

Why didn't anyone do this kind of thinking? Why couldn't you just for once get off of your slogan policy setting and get involved in real policy research that tells you what works? There are many programs around the world where it actually does work. Instead of trying to hit that hot button and just talk about workfare, you should have done your homework. That is the job of the government, of you the government, which has all this bureaucracy to do your work for you. Instead you come back out here with the back of a napkin and written on it is "workfare." "That'll go over real well in the election. Let's use that one." That's about all it was. You had no substance following that.

Now you want to come in here at \$700,000 an hour to debate Bill 22, because sleeping beauty from London South fell asleep at the switch, and the taxpayers have to pay for the catnap. Why didn't you call it the sleeping beauty bill? The whole world would know why we are talking about this in the first place: because you screwed up, because it was a complete goof-up at the committee by the Conservative MPPs who have since gone on to greater measure, and that is posing in trench coats for some kind of crime commission that looks, frankly, like the flasher.

So here we are. I want the public to understand the serious nature of this, that they decided to fall asleep at committee, missed the subsection, cost us \$700,000 — that's before it gets to committee — and it gets sent to committee for more days of travel so you can, on the taxpayers' purse, go on some public relations exercise.

I will not help you with that mission. I will work against you at every stop to make sure every community understands the failure of the workfare program under the Mike Harris Conservatives, that you have been completely incompetent on the issue of welfare reform. What is really needed is serious thought as to welfare reform, serious thought as to curbing fraud and abuse in the system, serious thought as to how you appropriately deal with people who want to move from the welfare system into the workforce, which is where everyone wants to be.

I don't agree with the people across the way who think these people don't want to be there. I don't believe that there are people out there, as the Conservatives would have us believe, that the majority of them are just sitting there waiting for their cheques to arrive.

I'll be the first one to tell you, with personal experience, of having seen abuse in a system that needs to be tightened. I would advocate on every one of those. I will not succumb to what this government wants us to succumb to, and that is some idea that those people don't really need help. Many of those people are people who haven't been diagnosed, with disabilities, and shouldn't be in the program at all. You have people involved in that same group who don't have the education required to find a job. There are some communities — as we heard in the House today — like Sault Ste Marie, which is facing a crisis in terms of looking for a job, because the jobs that exist today, very good paying jobs, are going to go right up the flue with the potential closure of factories or plants there.

We know that exists in other communities, not just big urban centres like Toronto, but small, rural or northern communities that are one-industry towns, and with the flip of switch that could come from as far away as India, their jobs are gone. That's a real problem. Those are real men and women who worked hard all their lives, and for the first time need some kind of support from a government agency.

The one ministry this government has that is actually the help ministry is the Ministry of Community and Social Services. For the first time in the history of the Ontario government we have the help ministry making policy designed to hurt them. That is a major change in direction. When people understand that is your direction, I don't believe they will agree with you. If you choose to try a public relations exercise with Bill 22, and take it on the road, you will not get as far as you think you will, because you should know that I have the accurate numbers for every community in Ontario in the failure of the workfare program.

1620

**Mr John Gerretsen (Kingston and The Islands):** I would like to deal with a number of different issues. The first one is with the bill itself, as my colleague from Wind-

sor has already indicated. I've got a news release here that was issued on May 31, and it's called, "International Experts Condemn Ontario's Prevention of Unionism Act."

This letter is written and signed by a number of leading legal scholars, not only in Canada but in the States and in Britain as well. What do they say about this bill? They say, "This bill is one of the clearest violations of international norms that I have ever seen in a country typically considered to be democratic." That is quite an indictment.

The petition was signed by, among others, a professor of law and master of Clare College, Cambridge; a distinguished professor of law at Laval University and a member of the Royal Society of Canada, Pierre Verge; a former dean of the law school at Queen's University, Bernie Adell; and Roy Adams, chair of the Society for the Promotion of Human Rights in Employment.

It clearly states in article 2 of convention 87 of the international human rights code that "workers and employers, without distinction whatsoever, shall have the right to establish, and, subject only to the rules of the organization concerned, to join organizations of their own choosing without previous authorization. The scope of the provision is extremely broad, applying to all workers and employers. The only exception permitted is found in article 9," relating to the armed forces.

It is "absolutely clear that Bill 22 is a violation of international human rights standards and offends against Canada's international obligations. It is also almost certainly a violation of the federal Charter of Rights and Freedoms which contains an explicit reference to the freedom of association."

I would caution the government to be very careful in the way you proceed with legislation like this. There are authorities throughout the world, not just here in Canada, not just people who oppose your government as such, who clearly say that what you're doing is against an article of the international human rights legislation, as well as being against the Charter of Rights and Freedoms. So just be careful. Before you hastily rush into this, why don't you listen to some of these people who have something very relevant to say about this piece of legislation?

The interesting thing, of course, is that here we are once again, for the third time this week — not this session, not this year, not this government, but this week — dealing with a closure motion. Closure is an attempt by the government to stop debate. We all know that it wasn't too far in the past that closure was unknown. It may have occurred once or twice in a decade, and it usually caused quite a stir in this country if it happened either in Parliament or in one of the provincial legislatures. Now it has almost become a norm. In all fairness, it hasn't just become a norm with this government; it became the norm with the last government and perhaps the government before that as well.

I think it is unacceptable from that viewpoint, that for the third time in one week we are dealing with closure. In other words, the government doesn't want to hear any further debate. What's even more interesting is that we are having closure imposed on us after only two days of



debate. This bill has only been debated in this House on two separate sessional days. I think the people of Ontario should understand that when we're talking about two days, we're not talking about two 24-hour periods; we are talking roughly of a time period of somewhere between two to three hours being one sessional day. So the government has allowed two days of debate.

It seems to be a new trend by this government because it's the first time — I did some research into this — that this government has invoked closure after only two days of debate.

You may be interested to know, Mr Speaker, that this is the 22nd time closure has been imposed by this government. I'll go through some of the bills they've imposed it on and also some of the idiotic mistakes they have made and have had to bring legislation back on some of the more substantial pieces of legislation.

In all the other cases where they've invoked closure, there has been at least three days' debate, except in one situation — I want to be perfectly clear — when on December 16, 1997, after one day of debate, they decided to invoke closure on a whole series of red tape bills. But in every other case, they've allowed at least three days to debate. Are we now getting to another norm, that the government is going to automatically bring in closure on any bill that it wants after just two days to debate? It's my understanding that hasn't been done here before, that it has always gone at least three days.

First of all, we're dealing with the fact that closure is once again being imposed, denying the opposition the right to speak on this bill and denying the members of the government the right to speak on this bill as well.

Earlier today, you may recall, we had quite a scene in this House, where I was accused by the member for Scarborough East of, in effect, making a subterfuge of the democratic system. He accused me of reading a petition here twice during a 15-minute session. He was totally wrong on that. I'm still awaiting his apology, by the way, which he hasn't given me. He'd better check out the facts before he starts making allegations like that here in the House. They were two completely separate petitions. Somebody else from our caucus may have read a similar petition during that 15-minute period of time, but it wasn't me, and he accused me of that, which I take some exception to, quite frankly. But obviously there were members on the government side who wanted to present more petitions, they want to have more debate on issues here. They are being denied the right to debate as well.

After two days of debate, the government is once again ordering closure. When you look at this closure motion, these motions are getting longer and longer. This is a five-page motion, in which everything is set out in extreme detail as to what can happen and where it shall go to and for how long and when it shall be reported back and that sort of thing. It leaves the committee almost no discretion at all. I guess a good issue can be raised as to whether or not the committees themselves should be given some latitude as to what they should or shouldn't be allowed to do with a piece of legislation in order to get the best input

on that legislation. But there's absolutely no latitude in this motion at all. It tells us that the committee shall sit for four days here and then for four days elsewhere and that the bill shall be back here at a certain time on a certain date and shall be voted upon.

When you take a look at some of the 22 bills that so far have been subjected to closure by this government, you will find that these are probably some of the most important pieces of legislation that we will be dealing with during the entire session of this Parliament.

It started, of course, with Bill 7. You may recall that, on October 25, 1995. But you know, that was given four days of debate; this one, only two days of debate. Then we go on to Bill 26. Who can ever forget that? That was the second bill that closure was invoked upon, and we are still suffering the after-effects of Bill 26 today in communities, in the health care system in the various communities throughout this province as the Health Services Restructuring Commission, the right hand of the minister, goes about and does its destruction in the various communities.

In my own community, you may be interested in knowing that the Health Services Restructuring Commission has recommended the closing of the Hotel Dieu Hospital. Here is a hospital that has existed for 153 years. It's the only hospital that is located right in the downtown of Kingston, where many of our vulnerable live, many of our elderly live. That's going to be closed. It completely disregarded the recommendations of the district health council and of the three hospitals themselves that had been working for the last number of years trying to come up with an acceptable solution to one and all as to how health care should be delivered in the Kingston area. That institution has been ordered to be closed and shut.

### 1630

It's interesting that when you go through the health restructuring report on Frontenac county, which includes the city of Kingston, as pointed out by the president of the Hotel Dieu Hospital Corp —

**The Acting Speaker:** I question how this comes within the context of the bill.

**Mr Gerretsen:** This is directly related, Speaker. I am referring back to Bill 26, which was the second bill that was here for closure, back on December 12, 1995. I'm trying to point out the mistakes that can be made if you invoke closure, and those mistakes are being shown in each and every community the Health Services Restructuring Commission has been to.

In this particular case of Frontenac county, they made a mistake, a significant arithmetic error of \$13.1 million in capital needs. This wasn't somebody else's opinion; this was a mistake right on the face of the document. Any one of our pages, I'm sure, could be shown this document and they would immediately say, "Yes, they didn't add the numbers correctly."

The other mistake they made is that they somehow feel that \$31.8 million is required to renovate the Kingston Psychiatric Hospital site. They've had an engineer and health care experts take a look at it. They've come to the conclusion that the number is not \$31.8 million that's

required in order to set up a new facility or a facility at a new location but that they need \$108 million, out of which of course the local community is expected to pay 30%, some \$30 million.

You may be interested in knowing that the people of Kingston and area have not been taking this lying down. Over 54,000 people have signed a petition, and 1,500 people have written letters to the Health Services Restructuring Commission saying that they are against the closing of the Hotel Dieu Hospital. Hopefully the minister's right-hand commission — of course she tries to take a hands-off approach and says it's an arm's-length commission; but it was something that was set up entirely by her — will come to its senses and save this particular hospital, because it doesn't make any economic sense to close the hospital. It costs a lot more money to build a new facility or whatever they want to call it, a new, renovated facility somewhere else. It sure doesn't serve the people, the most vulnerable people in our society, of whom we have many in the downtown area of Kingston. The elderly and the people with special needs certainly will not have a hospital facility near at hand.

Let's just deal with the bills that we've dealt with this week by way of closure. You may recall Bill 16. There was a closure motion on that. The Minister of Municipal Affairs and Housing sat in his chair, right across from me here, and said, "I've had all the discussions; I've had all the consultations with every group that's out there." The closure motion, you may recall, allowed for absolutely no committee time. It allowed that the bill was going to be given second reading here and then third reading because absolutely no amendments were needed. That's what he said. This is the bill, after all, that is going to set up the financing situation as far as the property taxpayers in Ontario are concerned.

Then what happened? He was caught in — I can't say he was caught in a lie; I know that's unparliamentary, so I will not say that. He was inaccurate or he didn't quite understand what was happening, remember? He said that he or his officials were meeting with the clerks and treasurers at 3 o'clock on a particular day. The next day we get faxed a letter from the clerks and treasurers saying: "We never met with anybody from the department. We didn't meet with him. We met with nobody." Then the government House leader decided, "Maybe we'd better not go ahead and give this bill third reading; maybe we'd better meet with somebody." So, hastily this week three hours of hearings were set up, and then we went to clause-by-clause for an hour and a half.

Lo and behold, what happened at 2 o'clock that afternoon? A bill that three days before that required absolutely no amendments, according to the minister himself — do you know what happened, Speaker? I'll tell you what happened. At 2 o'clock that afternoon nine government amendments were put forward.

What the people of Ontario have to understand is that here we had a minister of the crown saying: "I want no more debate. I want to give this bill second reading, and the next time it's called I want to give it third reading. I

have consulted with everybody. This bill does not need any amendment whatsoever. It is now perfect. We'll take it forward so that the municipalities can deal with it."

As a result of a little pressure and as a result of the clerks and treasurers, the senior civil servants of our municipalities, coming forward in a 13-page letter and saying: "But province, you've it all wrong. What you've got in Bill 16 cannot possibly work. You've got to make some changes," and the minister saying, "No, we don't need any changes" — well, as it turned out later on, he did need nine changes. Those amendments were included during the one day of debate and during the clause-by-clause deliberations.

If that was the first time a property tax bill has been brought here, I would say everybody's entitled to a mistake. The minister made a mistake by acknowledging that he or his officials were meeting with these people when he really wasn't. He made a mistake when he said, "No amendments are required," and then nine amendments were brought forward. But it's even more serious than that, and I will come back again to this closure motion.

There had been three previous bills dealing with exactly the same issue. Bills 149, 160 and another one, the number of which escapes me, also dealt with property taxation in Ontario. How did all those bills get voted upon? Again through closure.

We're talking here about a government that is totally incompetent. You would think that after a while they would recognize their own incompetence and that the fourth time they bring a bill forward they would say: "Let's talk to all the people involved. Let's talk to the clerks and treasurers and the other people who have an interest in it, including the taxpayers of Ontario, and let's get it right this time." But four times they took the same subject matter and tried to drive it through the House on closure. That is totally unacceptable and irresponsible. It does not, in my mind, show competence at all.

The net result of all this is the fact that the clerks and treasurers and the municipal taxpayers are going to be working as soon as Bill 16 is given third reading, some time next week, I take it. It's interesting that we aren't dealing with it today. Why aren't we dealing with it today — the closure motion is still there — so that at least the clerks and treasurers could take the contents of the bill and apply it to the local municipalities and the tax rolls or the assessment rolls can be turned out, so that maybe in another three or four or five weeks the actual tax bills of the municipalities can go out so that the people will finally know whether their individual property taxes for this year are going up or down or whatever is going to happen? Right now, most people haven't got a clue.

The reason they don't know, as you may recall, is that the assessment system was totally changed. People received these forms that had some sort of numbers on them before that they were somehow used to; now it's other numbers. They get a tax bill for half a year, in most cases, which is usually about half of what they paid last year. But when you put it all together, they don't know if their assessment is going up, if their taxes are going up.



They will only know that when they get that last bill this year, their final bill, and then add up what they've paid for property taxes this year and compare it to what they paid last year. Then I think the average individual, and I'm certain that includes me, will know whether my property taxes went up or down. Right now they don't know.

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What would have happened if we in the opposition and the clerks and treasurers had not insisted that we have one day of hearings and that amendments be brought forward? Remember, you needed to bring nine amendments forward at the end of the process. What would have happened? Would you have been back here next week with another bill, making it even more confusing for the taxpayers out there?

**Mr Ernie Hardeman (Oxford):** That's not right, John.

**Mr Gerretsen:** No, no. You know I'm right. I've got a lot of respect for the parliamentary assistant, that parliamentary assistant in this House, not some others. But that one I do have a lot of respect for.

*Interjections.*

**Mr Gerretsen:** I have a lot of respect for that individual.

**Mr Derwyn Shea (High Park-Swansea):** You went beyond that.

**Mr Gerretsen:** I went beyond that, sir, and I meant every word I said, sir.

**Mr Shea:** I take that as a personal affront.

**Mr Gerretsen:** I didn't name any names, but you're a great fellow too.

We are dealing with a very serious matter. What this government has done is that it unilaterally changed the House rules last year, whereby debate is already limited in time and in every respect. I know that some people in Ontario probably will say: "Isn't that a good thing? How long can you talk about some of these issues?" But they have to understand that one of the duties of the opposition is not only to oppose, but also to bring forth constructive alternatives. Every time they bring in closure, which doesn't even allow amendments to be brought forward, they are not allowing us the opportunity to bring constructive proposals forward, which is what we're elected to do.

I know this is not an issue that the people of Ontario in their day-to-day lives, with all the other problems they already have, probably pay much attention to. But the kind of democratic process we're involved in in this House will have an effect on people's lives, because if this situation keeps up we will have every bill being subjected to closure in the future. A government will just decide, "Now it's after two days of debate." It used to be, even two years ago, four days of debate, then it went to three. Now it's two. What is it next week or next year? One day of debate on something and away we go? I don't think that is right. The democratic institutions, the parliamentary institutions that we have in this country, that we have in this province, are well worth keeping and are too important to allow a government to run over the opposition in this way — any government, of whatever stripe.

I know we agreed today to split the time on this, because it is important that we talk about these issues. Let me, in the last 52 seconds I have, talk a little about the cuts that have been happening to the Limestone District School Board. You know how this government keeps saying: "Oh, we haven't cut any classroom education at all. We haven't cut any money to classroom education." I have just been informed that at Limestone District School Board, within one bargaining unit there have been at least 13 positions lost, the equivalent of three speech-language pathologists, two attendance counsellors, a race relations planner, a behaviour resource worker, five home-school liaison and child care workers. This government doesn't care about the parliamentary institutions of this province.

**Mr Bud Wildman (Algoma):** I rise to participate in this debate on the time allocation motion on Bill 22, and I want to make a number of points clear. First, I want to make clear that I intend to divide the time allotted to our party with my colleagues from London Centre and Welland-Thorold. They may speak in more detail to the bill itself, but I want to deal in particular with the time allocation motion, and I know my colleagues will be doing that as well.

Time allocation is used in the parliamentary process when a government has a matter before the House for debate and the legislation is needed but it is stalled and the government can't get it through. It is a process that is used, or has been historically used in the parliamentary process, sparingly. It is not something that is used on a regular basis.

Many of us will remember — I suppose many of us won't — but I certainly remember as a young child watching the debate in the 1950s on the pipeline in the House of Commons. The then Liberal government brought forward a closure motion and it caused complete consternation in the House of Commons, not just in the House of Commons but right across the country, because it was such a glaring attempt by the then government to cut off democratic debate on a very controversial matter. The opposition at the particular time was united in its opposition to the procedure. It was seen as a move by a heavy-handed government determined to have its way, to get something done and not to allow for parliamentary debate, even though it was a very controversial matter.

The then minister — I'm not sure of the exact term it was, the Minister of Economic Development or something, C. D. Howe — was not one who was noted for his respect for the parliamentary process. He was respected for his abilities and for his commitment to economic development and to the Liberal government, but I'm not sure he was particularly well known for his respect for the parliamentary process.

At the time, we had two great opposition leaders in Canada. The Leader of the Official Opposition was John George Diefenbaker and the leader of the CCF was M. J. Coldwell, two great parliamentarians, both of whom had great respect for the parliamentary process and for democratic debate, both of whom of course were known as great debaters themselves. There was such commotion and

anger, not just in the House of Commons among the MPs but throughout the country, that the debate generated some great speeches, but it also generated tremendous anger and bitterness.

At one point, M. J. Coldwell and John Diefenbaker both left their seats and approached the seat of the Speaker of the House of Commons. That was not something that was done frivolously or without a great deal of concern, because we have the old tradition in this House where people are not supposed to walk between the seat of the Clerk and the chair of the Speaker. The tradition is that is protected ground. The Speaker should not be threatened in any way for presiding over the House, and the Speaker's role must be respected. So when we had two great parliamentarians like John George Diefenbaker and M. J. Coldwell leaving their seats and approaching the chair of the Speaker amid great disorder in the House of Commons, everything ground to a halt. The whole process was threatened.

That was the result of a closure motion on a controversial matter. I might point out, that closure motion was brought in by the then Liberal government after considerable, lengthy debate in the House of Commons.

1650

What is the situation today? In the House of Commons, closure has become routine. Almost every debate in the House of Commons is time-allocated today. It's not just because of the Liberal government in Ottawa; the previous Conservative government followed the same process. It's got to the point where it is accepted. The new rules of the House of Commons, upon which the new rules of this place are patterned, set forward a process which essentially accepts time allocations as almost routine. So not only do we not have the same kind of serious, important and significant debate when a closure motion is imposed in the House of Commons, it's not even noticed. Certainly the press doesn't notice it and the public doesn't notice it. There isn't the kind of debate throughout the country there was during the famous pipeline debate.

I've been in this place representing the people of Algoma and the people of Ontario for over 20 years. When I first came to this Legislature, the rules were very different than they are today. There were many lengthy debates, and not only on controversial matters. Sometimes there were lengthy debates on matters that the government of the day considered routine.

The rules have changed over the years. Governments of every political stripe have changed the rules to try and streamline debate, to try and get things done more quickly, until we are now at the point in this House when it is almost impossible in a majority government for the opposition to do anything to slow down debate. Any student of the rules of this assembly will note that it is very difficult for any member of the opposition, or even the combined members of the opposition, to prolong debate, much less stymie the government's agenda.

One would argue, whether one agrees with those rules or not, that it certainly isn't necessary to have closure invoked. If the opposition can't prolong debate — they

can't slow down the government's agenda, they certainly can't stop the government's agenda in a majority government — why on earth do we have closure motions, particularly in this matter? It's become parliamentary convention in this assembly that there must be at second reading at least three days' debate before the government can argue that the opposition is extending the debate.

We can't use any more the American term "filibuster" in regard to debate. It's impossible under our rules. It wasn't before. My colleague from Welland-Thorold carried on a telethon one time in this Legislature and he was very effective in slowing it down. That's not possible any more. The new rules prevent that. I'm not arguing whether or not the new rules should prevent that, I'm just saying they do. And if they do, then why do we need closure? Why does the government need to invoke closure?

In this particular debate, we had only debated two days on Bill 22 when the government tabled this time allocation motion. The government didn't even wait for the normal, conventional three days before tabling the time allocation motion. Why? This is a government that obviously doesn't like debate, particularly on a bill like this which is being introduced because they screwed up and they don't want to have members of the opposition getting up and embarrassing them by pointing out how the members of the government, in committee, were asleep at the switch and let something through that was not intended by the government.

I want to say very seriously that closure is not intended to be invoked simply because a government doesn't like being embarrassed. Closure should not be used in a routine way. Closure should be only considered when the government has a matter that must be brought through, must be passed, and the opposition is prolonging the debate. No one can argue that Bill 22 debate was prolonged. We had only had two days of debate at second reading when the time allocation motion was tabled.

There are a couple of other aspects about this particular time allocation motion which I find most odious. This time allocation motion states clearly that we must complete second reading and have the vote — no further debate — and then the bill, which is, as we all know, a bill that deals with social policy issues, workfare and social assistance, and would normally be referred to the standing committee on social development, is to be referred to the standing committee on administration of justice.

One might wonder why this bill would go to the standing committee on administration of justice, particularly when the standing committee on social development doesn't have anything before it. It's not that that committee is so busy that it can't deal with Bill 22. That committee has lots of time, because there's nothing else referred to it. The reason this is being referred by the government to the standing committee on administration of justice is because there is another matter referred to that committee by our caucus that the government doesn't want to deal with; that is, under standing order 124, a referral for a review of the Ipperwash incident. This government has refused to have an inquiry to bring all the facts forward to



the public about Ipperwash, so our caucus decided that the best way to do it — certainly not the best way, but the only way available to us as an opposition was to refer the matter to the standing committee on administration of justice for a review under standing order 124.

The government House leader is attempting to stymie our use of the rules to have the Ipperwash matter aired before the public in a public way by referring this bill, Bill 22, to the standing committee on administration of justice, to be dealt with on the very days on which the subcommittee of the justice committee had determined they were going to deal with Ipperwash.

It's transparent. This government is subverting the process. The government is not referring Bill 22 to the standing committee on justice because other committees can't deal with it; they're referring it to that committee specifically because the government does not want an airing of the issues around Ipperwash, what led to the death of Dudley George. That's clear.

Again the government is using time allocation to avoid embarrassment. That's not what time allocation is for. Time allocation is in the rules because we all understand that at times, infrequently, government must cut off debate in order to get matters passed that are crucial to the agenda of the government or to the public good in Ontario. None of that applies to this time allocation motion on Bill 22.

This is a government that does not want to be embarrassed, does not want to share the facts with the public, does not want to have a full airing on Ipperwash and does not want anything close to a full debate on their controversial workfare proposals.

This is not a happy day for the parliamentary process in Ontario. It's obvious that the more often this government invokes closure, the easier it gets. It used to be, according to convention, three days' debate at second reading; now we're down to two days.

Mark my words. Governments are not permanent. Parties that are in power can find themselves out of power. The more times a government uses a procedure like this in the House, the closer it comes to being routine, the more likely it is that a subsequent government will use similar processes, and the party in opposition will suffer. Frankly, that's not my main concern. It is a concern, but not my main concern. My main concern is that the parliamentary process suffers and the public of Ontario is not served well by this assembly.

1700

**Mrs Marion Boyd (London Centre):** I think that's exactly why it's so important for us to emphasize why this closure motion is so subversive, why it affects everybody in the province. It's not just that this government doesn't want to be embarrassed by the fact that the member for London South fell asleep. That's embarrassing, but it's not just that. We've heard members on all sides — in fact, as I came into the chamber one said to me, "We're just discussing what we discussed last night."

The reality is that this is a government that does not in any way appreciate the necessity to air issues, to look at

all sides, to talk about the pros and cons, to give the population of the province sufficient time to understand the import of what we are doing here. From the very beginning, in fact before the government was ever elected as government, the party took a stance that tried to present the democratic process as something that wasn't necessary.

When a government like this government assumes itself to have the truth, assumes itself to be the only arbiter of truth, then it is easy to subvert the democratic process, easy to collude in a process that gradually undermines the whole purpose of democratic government in the first place. That's very much what we see here. Not only is this government undemocratic in terms of the way it treats the people of Ontario through its legislation — this legislation on which we are now debating closure is a good example, being, as it is, a piece of legislation that denies people rights that every citizen has under the UN declaration to which we are a signatory.

This is a bill that directly affects the ability of people to work collectively together to protect themselves against the incursion of a government that has consistently demonized those who are less well-off. This legislation is shameful and is unlikely to withstand the scrutiny of a human rights case under the charter. The government is well aware of that. The legislation itself is a political ploy. It's the first salvo in the next campaign, where the enemy, instead of being the welfare recipients themselves, is going to be the union. We all know that. We saw the second salvo this afternoon when the Minister of Labour introduced the next invidious attack on labour.

So we know what this is all about. We know this is all about setting the stage for an early election, an election that this government will try to claim has to happen if Ontario is going to maintain its economical place in the western world. I expect the language is going to be a whole lot more hot-button than that, but that's precisely what we foresee as the future.

Of course they have to have closure on this, because they don't want it repeated too often that this bill is a precursor of what is to come. Because we hear the rhetoric of the backbenchers, we know the hot button that they have experienced themselves and that they want to push for their constituents. There are certain elements in this party who are totally against the notion that there would be a balance of power between workers and employers. We heard a little bit of that last night, a notion that for someone to join a labour union is somehow an attack on the ability of those with capital to operate at all. Particularly, of course, the hot button is this whole issue of small business. We're going to see those hot buttons pushed all the time around small business, which is family business, just the way we did with the bill that took away bargaining rights for those agricultural workers who were working for large agrifirms, working in an industrial capacity in the agriculture industry, not on the family farm. So we already know that's the kind of thing that's going to happen.

You want this over with, and you want this over with quickly, because you don't want the public to keep being reminded about what the political purpose is behind your actions. You don't want people to be reminded of the fact that you're taking away basic human rights from large numbers of people. You don't want people to be reminded that you're taking those rights away from people who are already forced labour under Bill 142. You don't want the public to really understand how serious the incursion against individuals' rights has been so far in this province, and you certainly don't want people to start asking, as Reinhold Niebuhr did, "What happens when they come for me?" You don't want that. You don't want that reminder out there.

It's our job to make sure the public in Ontario is very well aware of the erosion of rights which is happening under this government and is very well aware that this government is prepared to play fast and loose with the rules in this place, is prepared to play fast and loose with the resources it has as a government, is prepared to tell ever bigger and bigger and more inflated stories about its own success, and is prepared to constantly try to fool the majority of the people in Ontario.

I do not think they're going to succeed. I have great respect for the voters of this province. I have great respect for them even though they sometimes vote in ways that I surely wish they wouldn't do. I have great respect for the fact that if we're going to be part of the democratic process, we have to protect the democratic process all the way along the line.

Every time we allow any action on the part of a government, or an opposition party for that matter, we are undermining the democracy that we are here to defend. Democracy isn't a comfortable thing. It's kind of a messy thing. It means you have to have discussion back and forth. It means that there are going to be people who have disagreements and that those disagreements will be publicly debated. It means that we are going to have very often philosophies and plans pitted against each other.

That's nothing to be afraid of. There are different ways of dealing with things, because we have choices. We have choices in how we perceive what our problems are. We have choices in how we deal with those problems. We are not constrained in our actions, as the right wing would like us to believe. This there-is-no-alternative stuff is a lot of nonsense. There are alternatives. There are alternatives and choices that are very different from the alternatives and choices that this government continues to force on the people of Ontario, and we see many governments who have chosen differently, who have analysed the issues differently and reached different plans to assist their population.

We know that there is an evolutionary change as circumstances change and that no one can afford to operate a democracy under an illusion that you can go back to another day. We must go forward. We must build on strengths rather than create weakness and step in to fill the breach, which is what this government does. This government denigrates the fine institutions and the fine programs

which in many cases were set in place by Tory governments in the 42 years in which Tories ruled this province, denigrates the results of those, casts aspersions on the people carrying out those programs, undertakes a misinformation campaign among the population to convince the population that those programs are worthless, and then moves in for the kill.

#### 1710

What is that all about? It's all about privatizing public services. It's all about enhancing the ability of their friends to make profits out of the services that we all built together in this province as public services. It's all about opening the doors to the big conglomerates to take over more and more lucrative parts of our public services.

There's a very great pattern that has developed for this government in doing this. First, you dump on the people who are least able to protect themselves. Second, you tell many very convincing stories in the hope that it will convince people that their own perceptions are wrong and that your story is correct. Then you undermine the services and people's confidence in the services and you squeeze the dollars out of those services so that they're not as effective as they used to be for the voting public. Then you move in for the kill and you privatize those services and you convince people that they're going to be better off.

If you think shutting down discussion of an undemocratic bill like Bill 22 is going to keep us from consistently identifying both your methodology and your goals, you're wrong. Every time you invoke closure, you confirm once more that you're not interested in democracy. Democracy isn't your business at all. Your business is getting your way for your friends at the cost of anyone else in this province.

You know, because I have great faith in the people of Ontario, I know they're going to see through you and I know they are not going to allow you to continue on in this way and continue to destroy what all of us have worked so hard to build up. Obviously I will be joining my party and voting against this closure motion. I will consistently point out to my constituents and those across the province that this is just one more action in your government's determination to destroy the democratic process in Ontario.

**The Acting Speaker:** Further debate? The Chair recognizes the member for Welland-Thorold.

**Mr Kormos:** A fine bit of work this motion is, let me tell you. But it's also consistent. It's not out of pattern at all. It's something, quite frankly, as the member for London Centre and the member for Algoma, my colleagues, have said in their comments, we've come to expect from this gang, bully boys that they are.

I've got to tell you what happened this morning. I've got great neighbours, the folks living in the house behind me: Charlotte, a single mother, and her two kids, Celine and Nigel, and the dog, Sam. Sam doesn't care for me much. The dog never has. The dog has never enjoyed my company.

Charlotte called me this morning because she got a piece of mail. She gave me a phone call. She got a piece of mail and, quite frankly, she was distraught. She said,



"Peter, you wouldn't believe what I got in the mail this morning." Here's Charlotte, a single head of a household, a confident, strong, intelligent woman who has two bright kids, as sharp as they come. Charlotte told me that she got a piece of mail this morning that she said was touting what this government had achieved in two and a half years. This is over the phone, you understand. I still haven't got a clear impression. She's distraught, she's upset. She is telling me that this piece of mail is touting the fact that because of this government all our children will be able to reach their full potential. Charlotte said, "That's a damned lie."

She explained to me that her daughter Celine, as I say, as bright a young person as you could ever find — and I talked to her just a few weeks ago about the despair Celine is in. This young woman, I tell you, can be anything that's possible for any human being. She's that bright, that skilled, that competent, that capable, but she may not be able to go to university. She has assessed the situation. That is why Charlotte is saying: "What do you mean help our children reach their full potential? This piece of mail telling me that this government is going to help our children reach their full potential," she said, "is a lie."

**The Acting Speaker:** Sorry, I find that is unparliamentary. You're very good with words. I'm sure you will find some other way to express yourself.

**Mr Kormos:** Thank you kindly.

I still haven't gotten down to identifying who she received this from. We're going to get to that. I'm not going to accuse any member of the House of anything unparliamentary; far be it from me. I'm talking about a piece of mail she got that tells her certain things and she's telling me that just ain't the case.

The same piece of mail told her that there's going to be less welfare dependency here in Ontario as a result of what this government has done. Charlotte said, "Yes, as a matter of fact I noticed that, because Celine hasn't been able to find a summer job in Niagara region because unemployment in Niagara region is into the double-digit level and twice that much for young people." Celine is desperately trying to find a summer job so she can do her best at financing an increasingly expensive post-secondary education, one she deserves. Charlotte said they had to travel to Toronto. Charlotte has some relatives in Toronto and there was the hope that maybe Celine — Charlotte took Celine up here on the bus. As a matter of fact, I spoke to them the morning they left. Charlotte said: "I saw the people out on the streets. I saw the people in the cardboard boxes. I saw the people with their sleeping gear in the alleyway." She said, "I have no doubt there are fewer people on welfare." But Charlotte said, "At the same time, how can anybody claim that about this government when the mess at the Family Responsibility Office persists and when women and kids are not getting the moneys that are due them from their paying parents?" So Charlotte said, "No, that's simply not true."

The same piece of fluff that she got — I think maybe this was a chain letter she got. I was about to advise her

that there are certain Criminal Code provisions that can be applied against chain letters; not all of them, but for the ones that are extorting or fraudulent in their nature, the police should get involved.

She was exasperated by what she had seen in her mail that morning and she was reading it to me, because this piece of correspondence she got said that this government would be responsible for more safety in our streets. Charlotte said, "That's not true." She knows that the Niagara Regional Police Force is still shy 80 to 100 police officers of its appropriate complement and that the Niagara Regional Police Force is no different from police forces across the province. Never mind this so-called fund that the government gang wants to refer to. The fact is that Niagara region can't afford to buy into it, because it's one time only — one year, first year only — and it's only 50% funding. Because of the downloading, the Niagara region can't come close to hiring the 80 to 100 police officers it needs to reach its full complement.

Charlotte was offended by the piece of mail she got this morning. She was, quite frankly, indignant at being lied to. When she finished explaining this to me — who is this from? She said, "Believe it or not, it's signed." I picked up a copy, but I can't decipher the signature. It is signed. There is a signature on there. For the life of me, I can't decipher it.

**Mr Gilles Pouliot (Lake Nipigon):** "Mike Harris, MPP."

**Mr Kormos:** By God, that's who the correspondence is from. My apologies, Speaker. I withdraw anything unparliamentary about the Premier. I hadn't appreciated that that had come to my neighbour from the Premier himself, making those bold claims, to which my neighbour was able to respond in a very perfunctory way, because she knows better.

**1720**

I'll tell you what she's ticked off now about: She paid for this bit of fluff, she paid for this nonsense, she paid for this crass political propaganda, and she has no interest in being misled. She doesn't want to pay out of her hard-earned money and out of her limited resources to be sold a bill of goods by somebody who leads a party and a caucus whose only interest is to serve the interests of their intimates and their friends and their political and business partners.

Look at the furore that has increased across this province over the last two weeks with regard to the corruption apparent in the rigged casino deal in Niagara Falls. Ms Boyd speaks about the responsibilities of members. Quite right. Ms Boyd spoke about the responsibility of members in response to this motion, and that responsibility of members extends to, for instance, calling upon the government to call for a public inquiry in the context of this incredible cornucopia — not a canard; a cornucopia — of allegations concerning conflicts of interest, concerning political payola and concerning abuses of connections by Tory insiders.

In September 1995, Dudley George was shot and killed at Ipperwash park. That's beyond dispute. The body has

been laid to rest. There's a family that's still grieving. I know some members find it funny; the family is still grieving, and I tell you, the whole province mourns the innocent loss of life but, more dramatically, the failure of a government to come clean on their involvement, quite frankly on the Premier's involvement and his office's involvement, in the shooting and resultant death of Dudley George.

This motion is about time allocation on Bill 22, a pathetic, vile piece of work in its own right, one which would deny working people — that's really what it's all about. Bill 22 isn't about workfare. You see, that's part of the problem. Bill 22 is about getting the ball rolling in this province so it can snowball and roll over all those rights that working women and men have struggled for and paid a huge price for over the course of decades and generations. That's quite right. This motion is about stopping, terminating, prohibiting any debate about what is a profound initiative, one to roll back the clock, one to reverse the Rand formula, one to deny workers the right to organize and collectively bargain. That's what Bill 22 is all about. If you think it's going to stop at so-called workfare participants, think again, Speaker. I know you will.

Bill 22 is about far more than workfare, and it warrants the most thorough debate. The fact is that in an unprecedented move, as the member for Algoma, Bud Wildman, points out — it was before even three days of debate that a time allocation motion was filed, and the question is why. There's a very obvious reason, and an understandable one. You see, not only does the motion impose time allocation, kill debate here in the Legislature on what is a significant piece of legislation, but it also stymies, blocks, the standing order 124 bid by this caucus for the justice committee to conduct the most modest of inquiries into the Premier's office's involvement and his own involvement in the shooting and killing of Dudley George at Ipperwash in September 1995, something about which the Premier has stonewalled from day one, that his Attorney General and his Solicitors General, because we're now on the second one, have participated in stonewalling, and something that, I tell you, carries with it the strong, dark cloud of coverup, the stench of whitewashing.

I'm confident that when it is revealed — and I tell you, people, the facts are going to come out. Neither the George family nor the native community nor Ontarians who have any commitment to fairness and justice are going to let this matter die. The Premier can block it with his time allocation motion. He can run, but as I said, he can't hide. He's going to be found out. He's going to have to come clean sooner or later.

What this time allocation motion does is, oh, so peculiar. They thought they had done it. They thought they had it in the bag. The brain trust over there thought that by virtue of the time allocation motion which referred Bill 15 to the justice committee, they had effectively blocked the standing order 124 inquiry into Premier Harris's involvement in the shooting and killing of Dudley George, which the member for Brantford finds rather amusing.

I don't. I don't find anything pleasant, either for the family of Dudley George, for the people of this province or for any of us, to be put into a position where we have to use all the means at our disposal to force the Premier to come clean on that shooting. But, by God, we're compelled to, because as members of this Legislature and as persons who want to participate and who are eager to participate in a democratic process, we're obliged to. We have no choice and New Democrats will fulfil their obligations in that regard.

The Premier's office thought they had stymied it by sending Bill 15, a budget bill, to the justice committee. Speaker, you know darned well that doesn't belong in justice, it belongs in finance. But it didn't work. I was at the subcommittee two days ago. By God, Mr Martiniuk darned near went apoplectic when his pettifoggery didn't prevail and he wasn't able to block it with his rather bizarre application of the standing orders. But within minutes of the subcommittee being compelled, as the rules require them, to set the Dudley George inquiry to commence June 15, this Premier's office had his backroom boys and girls drafting up this time allocation motion, the sole purpose of which is to block the inquiry into the Premier's office's involvement and the Premier's involvement in the shooting and killing of Dudley George.

Quite frankly this act is so transparent; it is so undemocratic. You see these things and expect them in Fascist countries or in totalitarian countries; you don't expect them in our Ontario, and I tell you, the people of this province know that full well.

**The Acting Speaker:** Mr Sterling has moved government motion number 18. Is it the pleasure of the House that the motion carry?

All those in favour, say "aye."

All those opposed, say "nay."

In my opinion, the ayes have it.

Call in the members. There will be up to a five-minute bell.

*The division bells rang from 1729 to 1734.*

**The Speaker (Hon Chris Stockwell):** All those in favour, please rise one at a time and be recognized by the Clerk.

#### Ayes

Amott, Ted	Johnson, David	Shea, Derwyn
Baird, John R.	Johnson, Ron	Sheehan, Frank
Beaubien, Marcel	Kells, Morley	Skarica, Toni
Brown, Jim	Leach, Al	Smith, Bruce
Carroll, Jack	Marland, Margaret	Snobelen, John
Clement, Tony	Martiniuk, Gerry	Spina, Joseph
DeFaria, Carl	Maves, Bart	Sterling, Norman W.
Doyle, Ed	Newman, Dan	Stewart, R. Gary
Ecker, Janet	O'Toole, John	Tascona, Joseph N.
Elliott, Brenda	Ouellette, Jerry J.	Tilson, David
Ford, Douglas B.	Parker, John L.	Tsubouchi, David H.
Gilchrist, Steve	Pettit, Trevor	Tumbull, David
Hardeman, Ernie	Rollins, E.J. Douglas	Villeneuve, Noble
Hastings, John	Runciman, Robert W.	Wood, Bob
Johns, Helen	Sampson, Rob	
Johnson, Bert	Saunderson, William	



**The Speaker:** All those opposed, please rise one at a time and be recognized by the Clerk.

**Nays**

Boyd, Marion  
Caplan, David  
Churley, Marilyn  
Conway, Sean G.  
Duncan, Dwight

Gerretsen, John  
Gravelle, Michael  
Kormos, Peter  
Lankin, Frances  
Lessard, Wayne

Marchese, Rosario  
Pouliot, Gilles  
Pupatello, Sandra  
Siliipo, Tony  
Wildman, Bud

**Clerk of the House (Mr Claude L. DesRosiers):** The ayes are 46; the nays are 15.

**The Speaker:** I declare the motion carried.

Orders of the day.

**Hon Norman W. Sterling (Minister of the Environment, Government House Leader):** Mr Speaker, I move adjournment of the House.

**The Speaker:** Is it the pleasure of the House that the motion carry? Carried.

It being now 5:37 of the clock, this House stands adjourned until 1:30 of the clock on Monday.

*The House adjourned at 1737.*

**LEGISLATIVE ASSEMBLY OF ONTARIO**  
**ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO**

Lieutenant Governor / Lieutenante-gouverneure: Hon / L'hon Hilary M. Weston  
Speaker / Président: Hon / L'hon Chris Stockwell  
Clerk / Greffier: Claude L. DesRosiers  
Clerk Assistant / Greffière adjointe: Deborah Deller  
Clerks at the Table / Greffiers parlementaires: Todd Decker, Lisa Freedman  
Sergeant-at-Arms / Sergent d'armes: Dennis Clark

Constituency Circonscription	Member/Party Député(e) / Parti	Constituency Circonscription	Member/Party Député(e) / Parti
Algoma	Wildman, Bud (ND)	Etobicoke West / -Ouest	<b>Stockwell, Hon / L'hon Chris</b> (PC) Speaker / Président
Algoma-Manitoulin	Brown, Michael A. (L)	Fort William	McLeod, Lyn (L)
Beaches-Woodbine	Lankin, Frances (ND)	Fort York	Marchese, Rosario (ND)
Brampton North / -Nord	Spina, Joseph (PC)	Frontenac-Addington	Vankoughnet, Bill (PC)
Brampton South / -Sud	<b>Clement, Hon / L'hon Tony</b> (PC) Minister of Transportation / ministre des Transports	Grey-Owen Sound	Murdoch, Bill (PC)
Brant-Haldimand	Preston, Peter L. (PC)	Guelph	Elliott, Brenda (PC)
Brantford	Johnson, Ron (PC)	Halton Centre / -Centre	Young, Terence H. (PC)
Bruce	Fisher, Barbara (PC)	Halton North / -Nord	Chudleigh, Ted (PC)
Burlington South / -Sud	<b>Jackson, Hon / L'hon Cameron</b> (PC) Minister without Portfolio (Seniors Issues) / ministre sans portefeuille (Affaires des personnes âgées)	Hamilton Centre / -Centre	Christopherson, David (ND)
Cambridge	Martiniuk, Gerry (PC)	Hamilton East / -Est	Agostino, Dominic (L)
Carleton	<b>Sterling, Hon / L'hon Norman W.</b> (PC) Minister of the Environment, government House leader / ministre de l'Environnement, leader parlementaire du gouvernement	Hamilton Mountain	Pettit, Trevor (PC)
Carleton East / -Est	Morin, Gilles E. (L)	Hamilton West / -Ouest	Ross, Lillian (PC)
Chatham-Kent	Carroll, Jack (PC)	Hastings-Peterborough	Danford, Harry (PC)
Cochrane North / -Nord	Wood, Len (ND)	High Park-Swansea	Shea, Derwyn (PC)
Cochrane South / -Sud	Bisson, Gilles (ND)	Huron	Johns, Helen (PC)
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Dufferin-Peel	Tilson, David (PC)	Lake Nipigon / Lac-Nipigon	Pouliot, Gilles (ND)
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Constituency Circonscription	Member/Party Député(e) / Parti	Constituency Circonscription	Member/Party Député(e) / Parti
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St Catharines	Bradley, James J. (L)	Nickel Belt	Vacant

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Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.

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Lyn McLeod, Lillian Ross, Bruce Smith  
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**Legislative Assembly  
of Ontario**

Second Session, 36<sup>th</sup> Parliament

**Assemblée législative  
de l'Ontario**

Deuxième session, 36<sup>e</sup> législature

**Official Report  
of Debates  
(Hansard)**

**Journal  
des débats  
(Hansard)**

**Monday 8 June 1998**

**Lundi 8 juin 1998**



**Speaker  
Honourable Chris Stockwell**

**Président  
L'honorable Chris Stockwell**

**Clerk  
Claude L. DesRosiers**

**Greffier  
Claude L. DesRosiers**

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## LEGISLATIVE ASSEMBLY OF ONTARIO

Monday 8 June 1998

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Lundi 8 juin 1998

*The House met at 1331.  
Prayers.*

### MEMBERS' STATEMENTS

#### PETER WONG

**Mr Rick Bartolucci (Sudbury):** Sadly, I must inform the House of the untimely death of Sudbury's first elected regional chair. Chair Peter Wong died suddenly of an apparent heart attack this past Saturday, serving the people of our region well while attending the Federation of Canadian Municipalities in Saskatchewan.

Peter's very quiet manner was coupled with a diligence and a determination that knew no bounds. He felt deeply about our region, and in his short seven months in office had started the process of change which would ensure our region continued to remain strong well into the future.

Peter had very many strong qualities as a politician, but the strongest was that he put people before politics. All his decisions and directions were based on what was best for the people of the region, regardless of what political price he had to pay personally. For Peter, people came before politics.

As chair, he celebrated when the people of our region celebrated. As chair, he hurt when the people of our region hurt. Today all citizens of the regional municipality of Sudbury and we here in the House want to tell Lynn, Peter's wife, and their children, Nancy and Eric, that we grieve together. The passing of this good man reminds us that politicians like Peter deserve our love, respect and honour. They also deserve our grief, and today we grieve together.

**Ms Shelley Martel (Sudbury East):** I too want to make some comments about the passing of Regional Chair Peter Wong, because our whole community was shocked over the weekend to learn of his death. He had been attending the annual meeting of the Federation of Canadian Municipalities in Regina when he suffered a fatal heart attack.

Peter Wong was the first chair who was actually elected as regional chair in our community, and that came in November 1997. Although that term was very short-lived, his activity in local politics in our community spanned many years. At the political level, he was mayor of Sudbury and a regional councillor for nine years. He was a trustee for the Sudbury Board of Education for three

terms. He served as a director of the Ontario Good Roads Association and as regional director of the Federation of Canadian Municipalities. He was a vice-chair of the Ontario Highway Transport Board and a vice-chair of the Northern Ontario Heritage Fund Corp. He was chair of that latter organization when I was Minister of Northern Development and Mines, and it was a pleasure and an honour to work with him during that time.

He was active in our community as well. He served as the United Way chair in 1995 and was secretary-treasurer of the Sudbury Blueberry Festival, president of the childhood-enfance breakfast programs, co-chair of the Food-Share spring food drive, a member of the hospital restructuring transition team, and a board member of the Sudbury Regional Hospital.

Despite his many responsibilities as regional chair, he took time for little things. He attended with me last week at the official opening of the new site for the Garson Food Bank.

We will greatly miss his contribution.

### GOVERNMENT'S RECORD

**Mr Douglas B. Ford (Etobicoke-Humber):** It was three years ago today that Ontarians made a choice to move away from the period of drought between 1985 and 1995. During this period, public confidence was low, unemployment was high, and many people were on welfare, with little hope.

It was on this day three years ago that the people of Ontario responded and made a choice for jobs, hope, growth and opportunity. They made this choice when they elected the Mike Harris government, and evidence shows that promises are being kept and Ontario is more prosperous today.

Sixty-six tax cuts have been implemented or announced during our mandate so far. Ontario's budget deficit has been cut in half and is on track to being eliminated. Over 263,000 people have left the welfare rolls since June 1995, almost a 20% decline.

Our education reform increases classroom spending, provides equal funding to separate schools, and protects \$1 billion in funding for special education.

Health care spending is at \$18.5 billion. It is now at the highest level in Ontario's history.

Unlike the previous two governments, we have kept our promises to reduce barriers to growth, and it is clear that Ontario has become a better place to live, work and raise a family. I regularly hear from constituents in Etobicoke

about the prosperity they are now experiencing, and I look forward —

**The Speaker (Hon Chris Stockwell):** Thank you so much.

### HATE CRIMES

**Mr James J. Bradley (St Catharines):** Representatives of the community of St Catharines gathered at the B'nai Israel cemetery in St Catharines in a rededication ceremony that saw people of many faiths, ethnic backgrounds and political affiliations stand as one, side by side, with the Jewish community in a display of solidarity against hate and intolerance exemplified by the desecration of gravestones just a few weeks ago.

With Rabbi Martin Applebaum leading the service, Roman Catholic Monsignor Schaefer offering the opening prayer and the Central Gospel Temple Orchestra and Vocal Ensemble providing the music, those who were assembled at the cemetery on Sunday afternoon, through their attendance, expressed their revulsion at the acts of hateful vandalism perpetrated upon the gravestones of the Jewish deceased and their unity with Jewish people in St Catharines at a time of crisis.

Representatives of all levels of government, including the Attorney General of Ontario, were there to demonstrate the significance which all people of goodwill placed on the rededication of the gravestones and the memorial to the victims of the Holocaust.

The Niagara Regional Police Service, represented by Chief Grant Waddell, was the recipient of praise and commendation for its swift and thorough handling of this hate crime and its determination to deal with such incidents in the most serious manner.

The emotion of the day was shared not only by those of the Jewish faith but by everyone who gathered on that momentous occasion at the B'nai Israel cemetery.

Let it be known to all that the Jewish people of St Catharines will never stand alone.

### MUNICIPAL RESTRUCTURING

**Ms Frances Lankin (Beaches-Woodbine):** I'm pleased to inform the House today that we are one step closer to achieving the third councillor for East York in the new city of Toronto. I want to again thank the Minister of Municipal Affairs for his cooperation.

As you know, the minister had confirmed in the House, in response to my question, that he would support the achievement of a third councillor and would be willing to work with me in terms of the private member's bill. He had an outstanding concern, however, which was that the motion from the city of Toronto requested that the province pay for the by-election as a transition cost. The minister has said the government is not prepared to do that; they believe it is a municipal initiative and it should be paid for municipally. He sent a letter to that effect, in which he said:

"As you may know, Ms Frances Lankin, MPP for Beaches-Woodbine, has already introduced a private member's bill in order to add a third member to the East York ward by means of a by-election. We intend to work with the opposition parties. With unanimous consent, the bill can be accommodated on a crowded legislative agenda. In view of the above, I would like council to confirm whether the city is willing to pay for this by-election."

At last week's council meeting, council dealt with this issue. They passed the motion, indicating that the city would pay for the by-election. Now it's just a question of getting the private member's bill before the Legislature and passed and we will be able to achieve this. I, again, appreciate the cooperative effort that is going into this. The people of East York have fought long and hard for this. It is something they deserve, and I am sure they appreciate the cooperation on all sides of the House.

1340

### COBOURG BICENTENNIAL

**Mr Doug Galt (Northumberland):** I rise in the House today to congratulate the town of Cobourg on its 200th anniversary and to mention some of the events that are taking place throughout the year to celebrate this significant milestone.

Cobourg was first settled in 1798 and was named after the royal marriage of Princess Charlotte, daughter of King George IV, to Prince Leopold of the Bavarian state of Saxe-Coburg, Germany.

To celebrate its 200th anniversary, the town of Cobourg and the Heritage Cobourg committee have organized events all year long.

Since January, Cobourg has put on a gala ball, a Robbie Burns supper and a heritage film presentation.

Some of the upcoming events include an antique boat show, a German teddy bear collection display, a visit from citizens of Coburg, Germany, and a gala music concert.

It is important to recognize the industries, retailers and service organizations in Cobourg which have come together to find innovative ways to recognize this very special occasion.

I applaud the Cobourg council, the Heritage Cobourg committee and the volunteers who are planning and coordinating the many activities and events.

I encourage all members of this House to visit Cobourg and to tour the many historical landmarks, heritage homes and Cobourg's beautiful waterfront during its 200th anniversary celebration.

### TUITION FEES

**Mr David Caplan (Orillia):** I rise today to bring to the attention of this House the government's appalling record and broken promises when it comes to our college and university students. Three years ago Mike Harris and Dave Johnson promised that "tuition fees should be allowed to rise over a four-year period to 25% of the



operating costs." Right now, as it stands, tuition fees account for an average of 35% of operating costs, and they're on the rise.

The Tories promised changes to make OSAP work better for students. Debt loads continue to grow and grow. How have you responded? You promised an income-contingent loan repayment program, but you're unable to do anything about it yet because the banks won't touch this program. Why? Because student debt levels are too high and they want you to take some real action before they would consider getting involved.

Is OSAP more accessible? No way. Today it's harder for students to qualify. They have to live away from home longer, their parents have to contribute more and there's no loan program for part-time students.

There's more. The end of rent control will mean higher and higher living costs for students. Deregulation of tuition fees will mean that only the rich, not the most talented, need apply for professional programs like medical school, law school and business.

All government members should be ashamed of Mike Harris's and Dave Johnson's record on this issue. I know I'm proud to support my leader, Dalton McGuinty, in his commitment to freeze tuitions. I am so sorry that many government members are unwilling to make the same commitment to our young people.

#### WINDSOR CARROUSEL OF THE NATIONS

**Mr Wayne Lessard (Windsor-Riverside):** This Friday marks the beginning of the annual Carrousel of the Nations, Windsor's multicultural festival presented by the Multicultural Council of Windsor and Essex County.

Over the course of the next two weekends Carrousel will pay tribute to the multicultural council's 25th anniversary. There will be 24 ethnocultural villages located in various parts of our community, including Polish, Chinese, Filipino, Vietnamese, three Slovak villages, Slovenian, Pakistani, Irish, Macedonian, Scottish, two Ukrainian villages, Japanese, two Serbian villages, Korean, Latino, German, Greek, Hungarian and Caribbean.

I want to welcome a new arrival this year, the Arabic village. Almost half of these villages are located in the riding of Windsor-St Clair, and all will be presenting the best in traditional cuisine, entertainment and arts and crafts. Best of all, admission is free.

I want to recognize and express my thanks to Casino Windsor, sponsors of this year's Carrousel, and also say a special thank you to the hundreds of volunteers who make this event a success every year.

I invite everyone to come to Windsor over the next two weekends, tour the world, and experience a community where persons of different cultures celebrate Carrousel together.

#### FATHER BERNARD HAYES

**Mr Wayne Wettlaufer (Kitchener):** Last week I attended a celebration for Father Bernard Hayes of

Kitchener on the 40th anniversary of his ordination to the priesthood, along with hundreds of people whose lives he has touched in an extraordinary way. Father Bernie taught thousands of young men at the well-known St Jerome's high school in Kitchener. It's hard to believe that I have known Father Bernie for almost all of those 40 years. He taught me very shortly after being ordained and was the best teacher I ever had.

He is much loved, and I don't say that lightly. He is one of the most highly regarded, highly respected and loved men I have ever known. I enjoyed being one of his students but, more than that, when I needed sage advice, he was there. In short, Father Bernie Hayes became a friend, not only of mine but of my family. When I got married he celebrated the mass, when our daughter was born he baptised her. When I was still a high school student, Father Bernie cast me in the part of Charlie in the major play Charlie's Aunt, despite his doubts, while always encouraging me.

I have never forgotten his example. I used it in the raising of my own daughter. Even when she blew it as she was growing up, I would always try to guide her along. You see, Father Bernie Hayes has had an effect on not only those whose lives he touched directly, but on our children. He more than any other individual, other than my own father, affected the direction my life has taken.

It gives me a great deal of pleasure to pay tribute to a man who, on the occasion of his 40th anniversary of being a priest, deserves all the recognition we can give him. I think it is fitting that in this House, where representatives of all the people of Ontario sit to do the province's business, I can pay tribute in front of all the people of Ontario to Father Bernie Hayes, my friend.

#### GOVERNMENT ADVERTISING

**Mr Dwight Duncan (Windsor-Walkerville):** Mr Speaker, I rise on a point of privilege today under standing order 21. I should point out that, pursuant to standing order 21(c), I have submitted this point of privilege to your office prior to 12:30, this morning.

Earlier today, in this morning's edition of the Globe and Mail, a request for proposal appeared from the Ontario Lottery Corp for mechanical spinning reel slot machines, or as they are more commonly known, one-armed bandits. That request for proposals reads,

"The Ontario Lottery Corp is issuing a request for proposals (RFP) on June 8, 1998, to select and acquire the mechanical spinning reel slot machines," that's one-armed bandits, "that best meet the financial and operational requirements of the charity casino and racetrack gaming program conducted and managed by the Ontario Lottery Corp."

Several weeks ago the government announced that rather than introducing video lottery terminals, that is, VLTs, into every neighbourhood in Ontario, it would instead introduce these so-called mechanical spinning reel slot machines which, as I've said, are better known as

one-armed bandits. The distinction between VLTs and slot machines was not clear to most residents of Ontario.

My point of privilege is directed to Bill 15. Section 34, Part VI of Bill 15, which is currently before the Legislature, repeals the definition of "video lottery terminal" contained in the Ontario Lottery Corp Act, section 6, chapter 26, 1996.

Mr Speaker, you are aware that Bill 15 has not yet been passed by this Legislature, and it has just in fact, I'm given to understand, begun committee hearings today. I seek your ruling on whether it's appropriate for the government, through the Ontario Lottery Corp, to be advertising a request for proposal for one-armed bandits that they intend to install in every neighbourhood in this province when in fact this Legislature has not passed the amendment to the Ontario Lottery Corp Act which would allow the government to do so.

This, in my view, presumes a decision of the Legislature before I, as a duly elected member of this Legislature, have had an opportunity to vote on this matter. In fact, I would question the appropriateness of Bill 75. If this amendment is not needed, does that mean that slot machines, or one-armed bandits, are perfectly legal anywhere else in the province? I await your decision on that matter.

**The Speaker (Hon Chris Stockwell):** I will report back to this House as soon as possible after reviewing the point of privilege.

1350

## TIME ALLOCATION

**Mr James J. Bradley (St Catharines):** On a point of order, Mr Speaker: The government has given notice of a motion for time allocation under standing order 46 which would not allow any debate at all — that's zero debate — on third reading on Bill 108, An Act to deal with the prosecution of certain provincial offences, to reduce duplication and to streamline administration. That's the government name for it.

Under the present government in the first session of the 36th Parliament, that is 1995-1997, the Harris government moved time allocation 19 times. Eighteen of these motions time-allocated debate at various stages on 20 bills. These motions curtailed debate at third reading as follows: 14 of the time allocation motions allowed one sessional day of debate at third reading; two allowed two hours of debate at third reading; one allowed debate for the remainder of the sessional day on which the bill was called for third reading; and one allowed for no debate at all at third reading.

The time allocation motion which allowed no debate at all at third reading was approved on June 3, 1997, and applied to Bill 57, the Environmental Approvals Improvement Act. However, this motion was introduced after the House had already debated this bill for one sessional day at third reading, approximately four hours and 35 minutes, so the motion was in order.

Since standing order 46 was added to the standing orders in 1992, it has been invoked twice to introduce a time allocation motion which has allowed for no debate at all at third reading of a government bill. However, on both occasions the bill had already been debated for one sessional day at third reading.

I will ask you to make a determination, if you will, whether in fact this time allocation motion which would allow no debate at third reading is in order, considering the fact that there has been no debate already at third reading. It would in effect terminate, end, obliterate, any debate at third reading on this bill.

**The Speaker (Hon Chris Stockwell):** Member, under what standing order are you standing on?

**Mr Bradley:** Standing order 46.

**The Speaker:** Forty-six what?

**Mr Bradley:** It just says standing order 46 in my note here. Maybe the government House leader can help me on this.

**Mr Bud Wildman (Algoma):** To reinforce the point briefly, time allocation, by definition, usually allocates time for debate. In this particular case there is no time being allocated for debate. The motion states clearly that there will be no debate at third reading; there will simply be a vote. How on earth can we have a time allocation motion that does not allocate time?

**Hon Norman W. Sterling (Minister of the Environment, Government House Leader):** I only refer to Bill —

*Interjections.*

**The Speaker:** If you want to stand and get into this you're more than welcome to. Right now, I'm trying to hear your government House leader. Could the place come to order, please. Government House leader.

**Hon Mr Sterling:** I would point out to the members of the Legislature that Bill 108 has had considerable debate to date. Before you can move time allocation, there is a requirement that there be at least three days of debate with regard to the bill on second reading and that during the time allocation motion there is another day of debate that primarily focuses on the bill as well, which is outside of the normal procedures. However, I guess the substance of it is that standing order 46 does not specify any minimum time requirement with regard to any part of our process that we go through. This motion is not unprecedented. I understand Bill 161 had no debate at all on third reading.

**The Speaker (Hon Chris Stockwell):** Was Bill 161 time-allocated?

*Interjection.*

**The Speaker:** I think I'll reserve with respect to this one as well. I want to get it clarified, exactly what it is we're searching for on this as well.



## INTRODUCTION OF BILLS

GREATER HAMILTON AREA  
MUNICIPAL RESTRUCTURING ACT, 1998LOI DE 1998 SUR LA  
RESTRUCTURATION MUNICIPALE  
DANS LA RÉGION DU GRAND HAMILTON

Mr Skarica moved first reading of the following bill:

Bill 32, An Act to amend the Municipal Act to provide for the restructuring of municipal government in the Greater Hamilton Area / Projet de loi 32, Loi modifiant la Loi sur les municipalités afin de prévoir la restructuration des gouvernements municipaux dans la région du grand Hamilton.

**The Speaker (Hon Chris Stockwell):** Is it the pleasure of the House that the motion carry? Carried.

**Mr Toni Skarica (Wentworth North):** This bill requires the minister to establish a commission to draft the necessary legislation to implement a restructuring proposal for the regional municipality of Hamilton-Wentworth dated February 23, 1997, that the councils of the regional municipality and the area municipalities have approved in principle. Under the restructuring, the regional municipality would be dissolved on January 1, 2001. The commission is required to submit the draft to the minister within one year of the establishment of the commission. The minister is required to introduce legislation on or before November 1, 2000, to implement the restructuring.

## SCHOOL CLASS SIZES ACT, 1998

LOI DE 1998 SUR LA TAILLE  
DES CLASSES SCOLAIRES

Mr Bartolucci moved first reading of the following bill:

Bill 33, An Act respecting the number of pupils that may be enrolled in a school class / Projet de loi 33, Loi concernant le nombre d'élèves pouvant être inscrits dans une classe scolaire.

**The Speaker (Hon Chris Stockwell):** Is it the pleasure of the House that the motion carry? Carried.

**Mr Rick Bartolucci (Sudbury):** Very briefly, this bill limits the number of pupils that may be enrolled in any class in any school in Ontario. The limit depends on the grade level of the class. It is not dependent on averages. If we're looking for fairness for all students, averages are not the way to go; capping class size is.

ENVIRONMENTAL PROTECTION  
AMENDMENT ACT, 1998LOI DE 1998 MODIFIANT  
LA LOI SUR LA PROTECTION  
DE L'ENVIRONNEMENT

Mr Carroll moved first reading of the following bill:

Bill 34, An Act to amend the Environmental Protection Act / Projet de loi 34, Loi modifiant la Loi sur la protection de l'environnement.

**The Speaker (Hon Chris Stockwell):** Is it the pleasure of the House that the motion carry? Carried.

**Mr Jack Carroll (Chatham-Kent):** The legislation that I'm putting forward today would be a win for Ontario's environment and farmers. This bill would require a minimum oxygen content in gasoline offered for sale for motor vehicles. Such a measure would expand the use of more environmentally friendly fuels, such as ethanol. An expanded use of ethanol, which comes mainly from corn, means less carbon monoxide and less dependence on foreign imports, imports of oil, and a boon to farmers. I encourage all members of the House to join me in promoting a cleaner air bill for Ontario.

## MOTIONS

## HOUSE SITTINGS

**Hon Norman W. Sterling (Minister of the Environment, Government House Leader):** I move that pursuant to standing order 9(c), the House shall meet from 6:30 pm to 9:30 pm on June 8, 9, 10 and 11, 1998, for the purpose of considering government business.

**The Speaker (Hon Chris Stockwell):** Is it the pleasure of the House that the motion carry?

All those in favour, please say "aye."

All those opposed, please say "nay."

In my opinion, the ayes have it.

Statements by the ministry?

1400

## PETER WONG

**Hon Chris Hodgson (Chair of the Management Board of Cabinet, Minister of Northern Development and Mines):** I join all members of the House today in expressing our collective shock and sadness at the sudden passing this past weekend of Sudbury Regional Chair Peter Wong. Mr Wong had dedicated much of his life to public service and improving life and promoting economic development in the Sudbury region in northern Ontario.

In fact, he was attending an annual meeting of the Federation of Canadian Municipalities this past weekend. Mr Wong had recently won the first ever regional chair election. In the past he had served as a Sudbury Board of Education trustee for three terms, mayor of Sudbury for nine years, from 1982 to 1991, and vice-chair of the Northern Ontario Heritage Fund Corp. He was also involved in many community organizations, most notably the campaign to eliminate drunk driving.

I, like many of my provincial colleagues, had the pleasure of meeting and working with Mr Wong. He was kind and courteous, a true gentleman. He presented his case intelligently and forthrightly. He was an eloquent —

**The Speaker (Hon Chris Stockwell):** I don't mean to interrupt you. I just have a tough time relating this to ministry statements.

*Interjection.*

**The Speaker:** Yes, why don't we seek unanimous consent. Sorry, my fault.

Unanimous consent for statements? Agreed. Go ahead. Sorry.

**Hon Mr Hodgson:** He presented his cases, any time I had dealings with him, or any other members of this House, in an intelligent and forthright manner. Invariably, he had the interests of his constituents in his mind and in his heart. He was a true champion of Sudbury's causes.

Throughout the years, Mr Wong proved himself to be an inspired and compassionate leader. A soft-spoken man, he had a rare ability to smooth away differences between people and encourage those with different views to work together. His council colleagues will miss his quiet guidance.

Our thoughts are with his wife, Lynn, and children Eric and Nancy. Ontario has lost a true friend.

**Mr Rick Bartolucci (Sudbury):** I'd like to thank the minister for those kind words. On behalf of the people of the regional municipality of Sudbury, certainly I know they will be comforting to Lynn and their two children.

Mayor Wong, now Regional Chair Wong, was a unique individual. He was able to bring all sides together to sit down and to talk in a rational, constructive way. He thought it was much better for him to build bridges than to destroy them.

He worked very hard in the seven months to ensure that the massive pressures that were being placed on the region for a variety of reasons were certainly not enough to break the region. He worked very hard to ensure that the restructuring of the region would be done in a very positive and constructive way.

He was also very active in ensuring that the people of the region felt a self-worth that only Peter could instil in people because of his very quiet approach to life. Peter believed that it was important for every individual within the regional municipality of Sudbury, every committee that he worked on, in fact all the committees that he was a part of an executive of, to ensure that they were very important in the total framework of life in their particular area or their particular concern.

He brought the best out in people because he showed through his example that any cause, regardless of how big or how small, was paramount and the most important thing we should be working on, given the situation that presented itself for the creation of such a committee or such a cause.

He will be sadly missed, not only because he was the first directly elected chair but he's going to be missed because he brought with him a unique style of leadership. Most of the time we see people being very gregarious and very outspoken, and actually going after headlines and media. Peter was exactly the opposite. Peter thought that if he approached a problem in a very quiet, concerned manner, the possibility of reaching a solution would happen

much greater and much more quickly. You know, he was right.

Peter was able to bring to fruition success in achieving those goals that he had set for himself, those goals that he had set for his family, those goals that he had set for his city when he was the mayor of Sudbury, and those goals that he had set for the region as regional chair. He did it in a way that he, his family, his friends, his fellow politicians and the regional municipality of Sudbury residents can be very proud of.

Peter's wake will take place on Thursday between the hours of 2 and 5 and 7 and 9. There will be a public viewing at Civic Square, or the Tom Davies Square, as it's known now. There will be a funeral Friday afternoon at Christ the King church.

I might tell you that Peter Wong was 66, going on 67 very soon. In those 67 years, he lived a full, productive life, a life that will be characterized as one of caring, sharing, commitment and concern. What greater words can you have than to say that Peter Wong was a dedicated, determined, honest politician?

**Ms Shelley Martel (Sudbury East):** I am pleased to join with my colleagues this afternoon in this Legislature to recognize the enormous contribution made by a very active member of our community, Mr Peter Wong. It's interesting, although somewhat sad, to have to note that in the last number of months our community has had its share of losses of truly worthy individuals who have led our community over a number of years from a very single-base economy devoted almost entirely to mining to one which is very diversified today. A number of months ago we suffered the loss of the former chair, Tom Davies, and today we are grieving as a community the loss of the new chair, who was elected by the people for the first time in November 1997.

Peter Wong was a very different man in terms of his political style in relationship to the former chair. He was a very gentle man. All of us who knew him and had the honour of working with him saw how that was reflected daily, whether in his political life, which was very active, or in his community life, which again was very active in that he served for any number of years in any number of organizations to make the quality of life in our community just a little bit better.

In terms of his political life, it is worth repeating in the House that he was the mayor of the city of Sudbury for nine years. He also served as a regional councillor during that whole time. He served for three terms as a trustee for the Sudbury Board of Education. He was a regional director for the Canadian Federation of Municipalities. He was also a director of the Ontario Good Roads Association. He served as a vice-chair for the Ontario Highway Transport Board, and also served as a vice-chair for the Northern Ontario Heritage Fund Corp.

It was in that capacity and connection that I knew him best. At the time that I was Minister of Northern Development, I appointed him as a director for NOHFC, and then the collective determined that he should be vice-chair. He served in that capacity, trying to better the lives of



people in northern Ontario, very honourably over the time that he was vice-chair.

In terms of his involvement with the community, he served in a number of capacities in a number of sectors. He was the chairperson for the Sudbury Blueberry Festival. He was, in 1995, the chair for the United Way campaign. He was a director for the breakfast programs in our community. He was a director as well of a campaign against drunk drivers. He was on the transition team for the new Sudbury regional hospital, and after the new corporation was established he also became a board member. He was a director as well of the FoodShare spring food drive, which he took an active interest in.

1410

It's interesting, though, that despite his large and long political and community career, some of the very little things were the most important to Peter Wong, and I think most people in our community will remember him for these things. Despite his many onerous responsibilities as regional chair, he took the time to go to any number of events that were being sponsored in the community. Last Saturday, for example, I had the pleasure of being with him when we opened up the new site for the Garson Food Bank in that community. As a director of the food drive it was very important for him to be there, and he was at a number of events for the food drive all during the month of May. Later in the afternoon, he came to my community of Capreol, and there he participated in the annual inspection of the Irish cadet corps. In fact, he inspected the cadet corps that afternoon. He always took time, despite how busy he was, to do some of the small things where there wasn't media attention or wasn't media attraction but where it was very important for him to have a presence.

We will greatly miss Peter Wong. He has made an enormous contribution to the life of my community. We wish his wife, Lynn, and his son and his daughter all the best. We give them our sympathy. We know that our community will not be the same without Peter Wong.

## ORAL QUESTIONS

### GOVERNMENT'S RECORD

**Mr Dalton McGuinty (Leader of the Opposition):**

My first question is for the Deputy Premier. I thought it only appropriate, this being the third anniversary of the election of the Mike Harris government, that we take a moment to reflect on some of your government's special accomplishments.

I want to start with health care. As you know, Deputy Premier, health care is an important measure for Ontarians as to how well their government is doing or not doing. I want you to comment, if you would, on the fact that now we enjoy the privilege of being dead last in Canada when it comes to the number of nurses we have available for our patients in hospitals in Ontario. What kind of an accomplishment do you feel that is, to be dead last in Canada in

having the lowest number of nurses available for our patients in Ontario?

**Hon Ernie L. Eves (Deputy Premier, Minister of Finance):** I'm sure the Minister of Health will be happy to respond.

**Hon Elizabeth Witmer (Minister of Health):** We certainly recognize the concerns of the nursing organizations in Ontario and that's why we have been moving forward very aggressively in recent months to address the concerns that have been expressed by the organizations, and recently we have moved forward. We have indicated we're prepared to invest \$5 million to ensure that nurse practitioners can be well utilized throughout Ontario in underserved areas particularly, and into the community health centres as well.

We've also indicated to the nurses that we're setting up the nurses task force so that we can respond very specifically to the concerns they have about the role of nurses in the province at the present time and how we can ensure that patient care continues to be, first and foremost, on the minds of everyone. Certainly we are addressing and we are responding to the concerns that have been identified.

**Mr McGuinty:** Back to the Deputy Premier. So we're last in the country now when it comes to the number of nurses available for our patients. Let's take a look at some of your accomplishments in education.

As we struggle to build a knowledge-based economy and as everybody understands the importance of investing in knowledge in our young people, tell me, how does it feel to know that we are last in the country when it comes to the amount of funding that we have available for our universities on a per capita basis? We are the lowest funder per capita for our universities in this province of Ontario than in any other province in Canada. On top of that, we will shortly be charging the most for post-secondary education of all of the provinces.

We're last in funding, soon to be first in the cost of university and college education. Tell me, how does it feel, Deputy Premier, knowing that those are more of your wonderful accomplishments?

**The Speaker (Hon Chris Stockwell):** The Minister of Health has the floor.

**Hon Mrs Witmer:** I will refer it back to the Minister of Finance.

**Hon Mr Eves:** I don't know if the Leader of the Opposition was here on budget day or not, but there were several items in the budget, in terms of hundreds of millions of dollars that benefit the post-secondary education community in Ontario. If he happened to be listening to CFRB this morning, he would have heard the president of the University of Waterloo, Mr Downey, talk in glowing terms about a number of the measures that this government has taken with respect to post-secondary university education. You can snicker and laugh if you want. If you don't value the opinion of a true leader in the educational community, the president of the University of Waterloo, you should stand up and say so.

**Mr McGuinty:** So we're dead last in Canada when it comes to the nurses available for our patients, we're dead

last in funding for our universities, and we'll shortly be first in the cost of tuition in all the country.

Let's turn to the fiscal aspect for a moment here. This is a government that has proclaimed the evils of the debt for ages and told us how the previous government, the NDP government, had more than doubled the debt. This government now has the privilege of talking about its special accomplishment of adding \$16 billion to our debt as a result of expenditures on a tax cut that we can't afford.

I want the Deputy Premier, also Minister of Finance, to stand up and tell us how proud he is of the fact that he is adding \$16 billion to our provincial debt, a legacy for the next generation of taxpayers, as a result of money that he's spending on a tax cut that we can't afford.

**Hon Mr Eves:** That is truly Liberal math. Your government and their government built the debt in this province, I agree, to a totally intolerable rate of \$100 billion. Does the leader of the official opposition —

*Interjections.*

**The Speaker:** Order.

**Hon Mr Eves:** Mr Speaker, I'm sorry I caused all that commotion for a brief period of time.

I wonder if the leader of the official opposition has any idea what the interest on \$100 billion worth of debt is. Obviously not. Those were your priorities — your priorities — and your priorities were to spend over \$9 billion a year on interest payments; those are not our priorities.

The leader of the official opposition talks about Ontarians not being able to afford a tax cut. We have reduced taxes, as he knows, some 66 times in three years and we've generated \$3.3 billion more in revenue —

**The Speaker:** New question.

1420

## GOVERNMENT CONTRACTS

**Mr Dalton McGuinty (Leader of the Opposition):** My second question is for the Chair of Management Board. You will remember that a week ago today I raised a very serious allegation regarding conflict of interest with respect to the awarding of the Niagara Falls casino contract. Specifically, I asked you if it was true that Michael French, your government's point person on the Niagara Falls casino bidding process, was also on the payroll of one of the bidders, in fact the winning bidder.

Minister, you've had a week to look into this. It's been eight days since the story was made public. Tell me today, was your point person on the Niagara Falls casino contract also working for one of the bidders, yes or no?

**Hon Chris Hodgson (Chair of the Management Board of Cabinet, Minister of Northern Development and Mines):** As I told the House last week, I've asked the Ontario Casino Corp and their lawyers to report back in full. There are conflict of interest guidelines. I've asked their lawyers to investigate this and report back to me. I expect their report some time this week.

**Mr McGuinty:** There's every indication here, Minister, that you are quite simply stalling. If the news was

good, if the facts were exculpatory, if they put you and your government in a good light, what that would mean —

**Mr John R. Baird (Nepean):** Is "exculpatory" parliamentary? We don't use big words like that in our caucus.

*Interjections.*

**The Speaker (Hon Chris Stockwell):** Stop the clock. Order. Exculpatory: For the member for Nepean, that's in order. It's not as bad a thing as you think, actually.

**Mr Baird:** I didn't know what "exculpatory" meant. I was nervous.

**The Speaker:** Leader of the official opposition.

**Mr McGuinty:** I apologize, Speaker. I will refrain from using big words.

Minister, if the facts put you and your government in a good light, I believe you would have put those facts on the table long before today. Once again, you're the guy in charge, this has happened on your watch and you bear ultimate responsibility for this process. Why don't you have that answer for us today, right now, in this Legislature? Have you phoned anybody? Have you contacted anybody and said, "Give me the answer because I need it for the House"?

**Hon Mr Hodgson:** The Leader of the Opposition can put those big words on any documents he wants to, out to the public. We can't run government by innuendo. We can't ask for flip, quick, instantaneous responses to meet the question period time line. What I have asked the Ontario Casino Corp is to ask their legal counsel to report to me in writing on the serious innuendo that's been raised, first in a newspaper article and then repeated in this House. I've asked them to do that in a thorough manner to try to get at the facts of the issue. I've told you that when I receive that, and I expect it later on this week, I'll report that at that time and do the appropriate thing.

**Mr McGuinty:** On the one hand it's a very, very serious matter, but on the other it is simple. The issue here is quite clear: Has Mr French been involved with another company which happened to win the bid or not? Has the guy you appointed to run the competition for this contract been involved with the winning bid or not? Yes or no? You don't need to conduct some kind of legislative inquiry to get to that. All you've got to do is stand up in the House today and provide us with the information you already have.

Is he or is he not in a position of conflict of interest? We need to know that now. It's completely unacceptable for you to continue to stall. If you can't provide us with that information, if you won't provide us with that information, then I suggest to you, Minister, that you ought to step aside and let somebody else do the job.

**Hon Mr Hodgson:** I've tried to explain to the Leader of the Opposition that in a matter with this serious an innuendo that has been raised, you can't just snap your fingers and say, "I want it now because I want it."

I've asked OCC, the Ontario Casino Corp, which is responsible for the selection process, to ask their lawyers, a respected law firm, to give me in writing the facts around this matter. It's taking a bit of time, and they've told me



they want to do it in a thorough manner and that they'll have that to me some time this week.

**The Speaker:** New question, third party, the member for Dovercourt.

**Mr Tony Silipo (Dovercourt):** My question is also to the Chair of Management Board. That's exactly why we have been asking for the last number of weeks that this issue should go out to a public inquiry, because you know that for the last couple of weeks your government has been embroiled in a scandal. The casino affair reeks of political payola. We know there are serious allegations surrounding the role of Michael French in the awarding of the Niagara Falls casino to Falls Management, a company that is owned in part by the Latner family, a family that donated over \$48,000 in 1995-96 to the Conservative Party.

You told us, and you reiterated today, that the Ontario Casino Corp, through its lawyers Davies Ward and Beck, is investigating possible conflict of interest in the selection process. I just want you to be clear on the record that when you get that report later this week, you will make it public right away. Will you do that, Minister?

**Hon Mr Hodgson:** I've been quite clear on that matter for the last week. Our position has not changed. But I can tell you that the Latner family has done business with this province for over 20 years. I pointed out last week a number of dealings they had with your party. To make spurious allegations against this family without any fact is regrettable. If you have facts — that's what we're interested in — tell them to us. The innuendo around Michael French is a serious innuendo, and I've asked the Ontario Casino Corp, through their lawyers, to give me a written report on that.

**Mr Silipo:** If you stopped stalling the investigation or a public inquiry from taking place, then all of that information would come out. The long and the short of it is that this is your government's Patti Starr affair. I want to remind you what your Premier, Mike Harris, said at the time. "The message appears clear: If you donate money to a Liberal campaign, if you're friends with a Liberal cabinet minister, this government will look after you." That's what Mike Harris said then, and that's exactly what your government is doing for the Latner family companies.

We've raised with you this issue of \$48,000 that the various companies controlled by the Latner family have donated to the Tory party in 1995 or 1996. But in 1997 alone the Latner family companies paid an additional \$41,500 to the Tory party coffers. That's in one year alone. That brings the total to almost \$90,000, and we're still looking. It's clear that the various companies owned by the Latner family must be very happy with the policies of your government.

Again I ask you, will you come clean? Will you agree to a public inquiry so we can get to the bottom of this situation?

**Hon Mr Hodgson:** The allegations around the Latner family, I think we've told you, are nonsense. Under your government, there was \$83 million for social housing alone. Last week I went through some of the areas where they gave these contracts out. A family you're trying to

smear in this House day after day has done business with all three parties over the last 20 years. The innuendo about Michael French is serious, and I've asked the OCC to investigate that through their lawyers, and they'll report back some time later this week.

**Mr Silipo:** The issue you continue to ignore completely is not so much the Latner family as individuals; we're talking about the kind of political influence money seems to be able to buy in your government. Minister, \$90,000 certainly seems to buy a lot with your government. We know about Dynacare and the regulation you passed. We know about Greenwin Property Management and how they benefited from gutting rent control. We know about Comcare and how they benefited from privatized home care. We know about Gaming Venture Group and how they were given a bunch of charity casinos. We all know about Falls Management being bumped from number three to number one.

The public deserves answers. This reeks of Mulroney-style politics. When are you going to call a public inquiry?

**Hon Mr Hodgson:** This question has been asked over and over again in the last week. It's totally unfounded; it's a lot of nonsense. I'm trying to proceed here to get to the facts of this in the most open and transparent manner I can. If you have any more of these innuendoes that you'd like to spread around, I suggest you do it outside the House, where you're held accountable for your statements.

1430

## CANCER TREATMENT

**Mr Tony Silipo (Dovercourt):** I have a very different kind of question to the Minister of Health.

You will be aware that Dr Luigi Di Bella is here, starting yesterday, talking to patients, doctors and the public about his treatment for cancer. I want to ask you this question in the most non-partisan way I possibly can and hope that your answer will follow suit. You know the high incidence of cancer, that it's rising by 3% and that there are 23,000 deaths every year from it, many of them many people say preventable. There is a great deal of fear about these statistics and it's therefore no surprise that there is a great deal of interest, not just here in Canada and in Italy but across the world, in Dr Di Bella's treatment.

People need hope and they need to know that research into new treatments is continuing. There are a number of issues around this question, some of them, like the clinical trials, which we know are predominantly within the federal sphere of responsibility.

Minister, I would like to ask you, as the minister provincially, to commit yourself on behalf of the people of Ontario to do what you can within your role with respect to those clinical trials and other areas where you can cooperate in ensuring that this treatment is looked into.

**Hon Elizabeth Witmer (Minister of Health):** We certainly appreciate and know that there are many people in this province who suffer from cancer and we're looking

at treatments that will deal with the disease. I can certainly indicate that on behalf of the Ministry of Health we would not be opposed to any clinical trials, but as you have pointed out, we are not in a position to make those decisions. We depend upon the research community to make decisions as to what clinical trials will take place. Certainly, we would not stand in the way and we would be prepared to support those.

**Mr Silipo:** I thank the minister for that answer. Let me ask you about something that is more closely within the provincial domain. That is the whole area of prescribing medicines for treatment. As you know — it's my understanding, and I may or may not be correct in this — the various medicines and vitamins that form part of Dr Di Bella's treatment are individually prescribable. In fact, they may or may not be also prescribable as a package, as part of the treatment. That is one of the areas where there seems to be some ambiguity, but certainly some uncertainty about whether doctors in Ontario, for example, would be able to prescribe that treatment if they felt in their professional judgement that it was something that was in the best interests of the patient suffering from cancer.

Minister, I'd like to ask you if you would be prepared to clarify that and, most important, work with the Ontario College of Physicians and Surgeons and doctors to ensure that that information is available to doctors, and whatever barriers exist in the way of doctors being able to use this treatment, if they feel in their professional judgement that it's appropriate, for them to be able to use that.

**Hon Mrs Witmer:** I understand that Dr Di Bella is going to be making a presentation to the medical community. Obviously, at that time they will have an opportunity to ask him questions. As you know, our ministry requires scientific evidence in order to assist us in making decisions as to how our resources are going to be allocated. So obviously there is going to be that opportunity for questions, and based on whatever scientific information is provided, appropriate decisions would be made by the Ministry of Health.

**Mr Silipo:** I, like I believe members from all parties, was present at the press conference this morning. Some of us I believe are meeting with Dr Di Bella this afternoon. One of the things that struck me in his presentation this morning was his point in terms of evaluating his treatment, the need to compare that treatment that builds on using a variety of ingredients that are familiar to the organism, as opposed to the kinds of treatments that exist and are in use now, but his sense of the need to compare those treatments to the existing treatments that are available now.

Again, Minister, I ask you, will you ensure that in the discussion that happens there is a completely open mind about this and that you will play, as minister, the role that you can, understanding that the decisions need to be made through the medical community but that you will ensure discussion happens and that we do whatever we can to ensure that people have the information and that doctors particularly feel comfortable in knowing they have at their

disposal all of the information necessary so that they can make the professional decision?

**Hon Mrs Witmer:** As I say again, we rely on the scientific information and evidence that is presented to us, and that then enables us to make decisions at the Ministry of Health as to how we are going to be allocating our health resources. Certainly in this situation we would treat that particular treatment and therapy in the same way as we would treat all others. It would go through the same channels.

## SPECIAL EDUCATION

**Mrs Sandra Papatello (Windsor-Sandwich):** My question is for the Deputy Premier. Over the weekend we became aware of an auto worker from Woodstock whose name is Brian Cox. He launched a petition to your government, the Ontario government, asking for more funding for special education after his son David, aged 12, with attention deficit disorder, lost the extra help he was getting in school.

Deputy Premier, you may know that schools are losing their educational assistants right across Ontario. To date, 547 educational assistants have lost their jobs. How does this fit in with your plan that the disabled community will not lose aid?

**Hon Ernie L. Eves (Deputy Premier, Minister of Finance):** I am aware of the issue that the honourable member raises in the House today. I would like to remind her that for the first time ever in the province of Ontario's history, there is \$1 billion that is being set aside for special education needs in Ontario.

One can debate whether or not —

**Mr Bud Wildman (Algoma):** That's not new money.

**Hon Mr Eves:** Just a minute. I didn't say it was new money. For the first time, boards are going to be held accountable, I say to the member for Algoma, and the Minister of Education is going to ensure that that money is indeed spent on special education needs —

**Mrs Lyn McLeod (Fort William):** They need it now.

**Hon Mr Eves:** — which has not always been the case in every single board for every single dollar in the past, I say to the member for Fort William, when you were on watch, so to speak.

**Mrs Papatello:** You cannot hold them accountable when you are now holding the cards for funding of school boards. It is your new formula now that is making the situation even worse.

Brian Cox said that his son is bright but is having difficulty this year. His son David's frustration is leading to discipline problems such as fights at school.

The Thames Valley District School Board confirmed 40 layoff notices to 40 educational assistants last week. This means that the problem will get worse. His MPP will not return his phone calls.

Deputy Premier, you said, "No cuts to the disabled." You said, "Not one cent from the classroom." What do you say to Brian Cox and his son David?



**Hon Mr Eves:** I'd be more than happy, and I'm sure the Minister of Education will be, to look into the particular circumstances about this particular case. But I do want to reiterate to the honourable member that the fact remains that in the funding formula that the Minister of Education has announced, classroom spending funding has been increased by \$583 million. We've increased spending on educational assistants by \$15.6 million.

I would also like to inform the honourable member about the viewpoint of Mary Margaret Laing, chair of the Ontario Parent Council, about the funding model for special education needs, the very thing that the member is talking about. "This model recognizes the special learning needs of many students and provides funding to meet those diverse needs. Boards will be able to spend these grant amounts directly on their students, rather than on the vast amount of administrative resources which have gone into special education up until now." We are trying to change the system, I say to the honourable member, for the benefit of students like Brian Cox.

1440

#### EDUCATION FUNDING

**Mr Bud Wildman (Algoma):** I have a question to the Deputy Premier regarding education as well. It might be helpful to the government if they would listen to some of the school parent councils rather than the government-appointed Ontario Parent Council, because parents, as well as teachers and students and other staff of boards, are rallying today because of the cutbacks in the so-called funding formula.

Here is one of the examples of the cuts they are protesting: The government's cutbacks formula gives \$75 per elementary student and \$100 per secondary student for textbooks, computer software and library materials, yet for a typical grade 11 student taking seven academic courses, the cost of textbooks alone is more than \$400. Could the minister explain where the other \$300 is going to come from to meet the students' needs for textbooks? How are the boards going to come up with this \$300 per student?

**Hon Ernie L. Eves (Deputy Premier, Minister of Finance):** I hope the honourable member's figures on secondary textbooks are better than his figures on elementary, because what's happening in the elementary system is that we are already spending \$76 per student at the elementary level, and we have doubled that amount to \$152 per elementary student. That's not what you just said a few moments ago.

**Mr Wildman:** Since the minister doesn't want to deal with grade 11, perhaps he would deal with the fact that students in classrooms in both elementary and secondary are doing without needed resources under the cutbacks formula announced by the government, and yet at the same time the Education Quality and Accountability Office, which has just finished administering grade 3 tests, has tendered for catering for marking that test to a cost of \$250,000. Does the minister think it would be a better

idea to have the \$250,000 that has been tendered for catering for grade 3 test marking as money spent in classrooms to ensure quality Canadian textbooks for students?

**Hon Mr Eves:** I say very directly to the honourable member, no, I do not consider that to be money spent in the classroom, and I would be more than happy to take that situation under advisement and refer it to the Minister of Education upon his return.

#### ELECTORAL REFORM

**Mr John O'Toole (Durham East):** My question is to the Minister of Intergovernmental Affairs. Two weeks ago Warren Bailie, chief electoral officer of Ontario, tabled a report, *Looking to the Future: Electoral Reform in Ontario*. This report outlined Mr Bailie's recommendations for changes in Ontario's electoral system, a system that has not been updated for 12 years.

I understand that you chaired a meeting recently with Mr Bailie and Jean-Pierre Kingsley, chief electoral officer of Canada, at the end of April. Can you tell me and the members of this Legislature what initiatives the federal government has undertaken with election reform and the savings they expect to achieve?

**Hon Dianne Cunningham (Minister of Intergovernmental Affairs, minister responsible for women's issues):** You're aware of the report, because of course it was sent to you and all members of this Legislative Assembly.

I did meet with Mr Kingsley and Mr Bailie, and it was brought to my attention, any update from the federal point of view. This was in the form of an establishment of a central registry of voters. This has been worked on for a number of years, and we now know that this is going to be more accurate by using sources from both the federal and provincial ministries. Here in Ontario, the data will be from the Ministry of Consumer and Commercial Relations as well as the Ministry of Transportation, and we have interim agreements in that regard.

Mr Kingsley advised me also that with this federal register of electors, we are expecting to save in excess of some \$40 million here in Ontario. I think that's important.

**Mr O'Toole:** That certainly makes very good sense to me.

As I mentioned earlier, Ontario's election officer has tabled his report, and I notice that he has recommended the same changes as his federal counterpart, specifically a permanent voters' list. I understand that this initiative, along with combining the bureaucracies of the election finances commission and Elections Ontario into one, is expected to save an enormous amount of taxpayers' money.

Minister, can you tell me how much money will be saved and what effect combining the two bureaucracies will have, besides eliminating duplication and waste?

**Hon Mrs Cunningham:** I'd like to make myself clear with regard to the answer. The federal register of electors will save us some \$40 million. Here in Ontario, just looking at bringing ourselves in line, I might say, with all the

other provinces, one of the results of the recommendations of looking to the future electoral reform in Ontario, if we were to look at a permanent voters' list, which is what we're looking at, we would save ourselves about \$10 million in this regard.

I think it's interesting, Mr Speaker, for you and I who've been around for a little while but certainly not 30 years, that these recommendations were actually made in Ontario some 30 years ago, so the reform that we're looking at has been long-standing, something that governments have looked at since this first suggestion by the Ontario select committee on election laws, and I think it's long overdue. We now have two separate bureaucracies and the taxpayers of this province should only be supporting one — \$10 million saving.

### PHYSICIAN SHORTAGE

**Mr Peter North (Elgin):** My question is to the Minister of Health. In the county of Elgin there is an extreme problem with a lack of rural physicians. Right now the count I think we have is about 16 less than what we should have in Elgin county. In the west end of Elgin county, in the Rodney area, it is devastating right now in terms of the loss of physicians, and we're losing even more in the next few weeks. I wonder if the minister could tell me what the Ministry of Health and her office are doing with regard to a lack of physicians in rural Ontario.

**Hon Elizabeth Witmer (Minister of Health):** Certainly I'm quite familiar with the Rodney area. Our government has taken initiatives beyond what had been taken in the past to ensure that we can provide the doctors to communities throughout the province, not only in the rural and urban areas of this province but also in the north. I would encourage you to make sure that all the steps have been taken to make the Ministry of Health aware of the situation that is faced by those people.

**Mr North:** Some time ago Elgin county had various parts of it designated "underserved." We too have had some experience with regard to the program for northern Ontario. We actually had a doctor in the Rodney area who was enticed to move to northern Ontario under the circumstances provided by the Ministry of Health. I wonder if you could tell the people of west Elgin what you will do to ensure that a large majority of seniors in west Elgin will have a physician in the very near future.

**Hon Mrs Witmer:** Regarding the individuals who live in west Elgin, as I've just said, our government has moved forward. We have introduced incentive plans. As the member has indicated, these people have been designated "underserved." That does enable them to have some special and unique opportunities to encourage physicians to come to their community. The problem in this province continues to be that while we do have the number of physicians to serve the people, the difficulty is encouraging those individuals to leave the urban and teaching centres to go to areas where they are most needed.

We have not only introduced incentives, we have also introduced disincentives where people are penalized for

staying in the overserved areas, and we will continue to move forward with any further suggestions that we get regarding how we can encourage doctors to locate in those areas where they're most needed. I am pleased that some of the academic health science centres now are going to be taking steps to move some of their students —

**The Speaker (Hon Chris Stockwell):** New question, official opposition.

1450

### CLASS SIZE

**Mrs Lyn McLeod (Fort William):** My question is for the Minister of Finance. Your government's revolution in education is leading to complete chaos in the classroom and to impossible choices for school boards.

Last week the Lakehead board of education found itself having to decide which of your laws to break: the law about class size or the law about staying within your financial limits. The trustees chose to keep teachers in the classroom. As the director of education said, "What the board decided was that if it was going to contravene the law, it would do it on behalf of children."

Minister, you have not given them enough money to pay for enough teachers to meet the class size averages that you have made law, so the board will be in a deficit position unless you revisit your funding formula. Will you give the Lakehead board the funding they need to do what your own law requires, and if your answer is no, will you please tell the board which one of your laws you think they should break?

**Hon Ernie L. Eves (Deputy Premier, Minister of Finance):** To the honourable member, I'm sure the Minister of Education would be more than happy to talk to the director of education for the Lakehead board about specific concerns of that particular board; however, there is one thing that the government is committed to, and I want her to understand that. We are the first government that has taken a step in putting a limit on class size that has been growing quite rapidly over the last few years with respect to negotiations between individual boards and various teachers' federations across the province, and we are determined to keep the ceiling at 22 and 25 students per board.

**Mrs McLeod:** The problem, Minister, is that boards need enough dollars to pay for enough teachers to meet those average class sizes that you have mandated. The problem is not just a problem with the Lakehead board; the problem is with the funding formula and your financing of education, and the problem is that you are part of a government that has chosen to take control over everything and take responsibility for absolutely nothing.

The Superior-Gemstone board is another board which has made a decision to keep teachers in the classroom. They have no idea how they're going to pay for it. Your colleague Jack Carroll is trying to get \$5 million more for the Lambton-Kent board so they don't have to make drastic cuts to the classroom. The Avon-Maitland board, one of the lowest-spending public boards in the province, has



come up short. Doug Rollins from Quinte is engaged in an ongoing debate with his board about how they could possibly be facing the kind of cuts they're facing.

The bottom line, Minister, is that your funding formula is an absolute mess and the chaos is going to hit kids in the classroom in September unless you go back to the drawing board. I ask you, are you going to fix the mess of the funding formula or will your Minister of Education have to exercise the new power he has, step in and take over the Lakehead board and the Superior-Gemstone board and every other board that can't make your rules work and find —

**The Speaker (Hon Chris Stockwell):** Thank you, Minister.

**Hon Mr Eves:** I just want to point out a few facts to the honourable member with respect to education formula funding in the province of Ontario. The education funding formula announced by the Minister of Education will result in \$583 million more being spent in the classroom at its fruition. I understand that. I also want her to listen to the next two points.

In the budget of May 5 this year, we set aside a special fund at the request of the Minister of Education of some \$69 million to deal with in-year or stub-year funding problems for particular boards and the Minister of Education has a \$385-million transition fund for exactly those types of transition problems that the honourable member is talking about. I urge those boards to talk to the Minister of Education and talk about access to that \$385 million.

#### CASINO WINDSOR

**Mr Wayne Lessard (Windsor-Riverside):** My question is to the Chair of Management Board. Over and over again we've raised issues about the Niagara casino deal, a deal that stinks of conflict of interest and payoff to the Conservative Party. But there's another story that's close to my community with respect to the Windsor casino, and it's a story that stinks of incompetence.

Recently you announced that you may keep three casinos open in Windsor, but the Ontario Casino Corp had already announced that they were returning the Northern Belle to Hilton. Then you announced you intend to keep it open, at least for a while.

My question is about the interim casino in the art gallery building. Working conditions are less than ideal and the art gallery is anxious to plan for their future. Minister, will you commit today that the interim casino in the art gallery will close when the permanent casino opens?

**Hon Chris Hodgson (Chair of the Management Board of Cabinet, Minister of Northern Development and Mines):** The member of the third party is aware, or should be aware, that an agreement was entered into by the NDP government back in 1993 which stated that the art gallery would either revert back to an art gallery or there would be compensation, and I can tell him that we will live up to the 1993 agreement.

**Mr Lessard:** You still haven't answered my question about committing to close the interim casino when the permanent opens.

Let me ask you about the other casino, the one that was in the Northern Belle. I understand that the Ontario Casino Corp paid \$23 million for the use of the Northern Belle. The lease was supposed to run out in two days, that is, June 10. The option to extend that lease was missed because of your failure to communicate with the Ontario Casino Corp.

This wouldn't have happened if you were doing your job, Minister. Can you tell us how much it cost to extend the lease for the Northern Belle? How much did your dithering cost the people of Ontario?

**Hon Mr Hodgson:** If the member opposite didn't like the agreement that his government made in 1993, he should say so. Otherwise, we're going to live up to that agreement.

#### JUSTICE SYSTEM

**Mr Dan Newman (Scarborough Centre):** My question is for the Attorney General. I've asked you questions previously dealing with the criminal courts backlog in Scarborough and I'm pleased that you've dealt with that issue. I know my constituents in Scarborough Centre are very pleased that you've dealt with this very serious issue that we inherited three years ago today when we formed the government.

My question today deals with the cost in delays within the civil justice system, and it too is a very real concern to my constituents in Scarborough Centre. Minister, what is the Ministry of the Attorney General doing to address my constituents' concerns and reform the civil justice system in this province?

**Hon Charles Harnick (Attorney General, minister responsible for native affairs):** Thank you for the question from the member from Scarborough. Once again, Ontario is leading the way for the rest of the country in civil justice reform. We're introducing a case management system across the province over the next four years which will ensure that cases move forward and backlogs don't exist. We're also developing a comprehensive system of information technology so that all parts of the justice system will be able to communicate with one another.

We are as well developing a pilot project now that's under way involving electronic filing of documents with our courts so that law firms can file documents from their offices to the court and that operates seven days a week, 22 hours a day.

The Ministry of the Attorney General is also working on the development of the first rule of civil procedure in Canada dealing with mandatory mediation for all appropriate non-family civil cases. We hope that rule will be implemented very shortly so that parties to litigation will have an early opportunity to try and resolve disputes by mediation.

**Mr Newman:** As a supplementary to the Attorney General, I'm pleased to hear that you are responding to the

changes in the civil justice system, but how will this new mandatory mediation program benefit the people of Scarborough Centre, and in fact the people of this province?

**Hon Mr Harnick:** The mandatory mediation rule will involve an opportunity for litigants in the civil system, at an early stage, before proceedings really begin beyond the exchange of pleadings, to be able to mediate their dispute, to be able to sit with one another, the parties involved in the litigation, with their counsel, with a mediator, and begin the process of trying to resolve the dispute before the litigation really has to begin and before serious costs are incurred.

We've had two pilot projects, one in Toronto and one in Ottawa. The one in Ottawa is ongoing. It involves private sector mediators. I can tell you, Mr Speaker, that as a result of the work in Ottawa, most individuals who are involved in litigation have access to mandatory mediation in Ottawa, and I'm pleased to say that about six out of 10 cases that are filed with the court go to mandatory mediation within 60 days of the delivery of a statement of defence and are settled.

1500

### SCHOOL CLOSURES

**Mr Pat Hoy (Essex-Kent):** My question is to the Minister of Finance. The Harris government and the Ministry of Agriculture spent a lot of money on a task force which toured the province looking into the problems facing rural youth. The Rural Youth Strategy Report identifies access to services as an incentive to creating jobs and keeping young people in rural areas.

On one hand, the government says it wants to invest in rural development, but then you have, through your Minister of Education, come up with an educational funding formula that is ripping the heart out of rural Ontario.

I have a letter from Robert Shepherd, chairman of the Romney School Advisory Council. Their school has been identified for closure because of a \$17-million shortfall from your government for the Lambton-Kent school board. Mr Shepherd says: "It's because we are a small rural school. The only important thing is saving money."

Parents are also concerned that another eight rural schools are in danger. At what cost? The destruction of rural communities? The government has closed vehicle licensing and other government offices in rural communities. You are planning to close rural hospitals. Now the viability of rural communities is on the line with rural school closures. Will you promise to keep rural schools open?

**Hon Ernie L. Eves (Deputy Premier, Minister of Finance):** There is no policy of the Ontario government that is mandating or instructing or suggesting that rural schools should close.

**Mr Michael A. Brown (Algoma-Manitoulin):** Get real.

**Hon Mr Eves:** I can say to the honourable member that I happen to represent more rural municipalities than any other member of the Ontario Legislature. I represent

some 35 organized rural municipalities and some 42 unorganized municipalities in Ontario. If anybody understands the needs and priorities of people in rural Ontario and their school system and how much it means to them, it's me. I can tell you, there is no such policy that the province has.

**Mr Hoy:** With your answer, Minister, I'm sure that you will sympathize with the people from Romney Central school and I know you can relate to their very deep concerns. That school was not built by the board of education. It was built by local funds and run by the local community. A shortfall from your government, under your funding model, of \$17 million has caused the Lambton-Kent board to have very little choice in this matter.

The former Kent county board was one of the most frugal boards in all of Ontario. It was recognized by your government's Who Does What panel for its effectiveness in savings, yet it has received the highest level of cuts in the province. Minister, what will you do to ensure that your funding cuts will not force the boards to close schools, like Romney Central, that are the very heart of the rural communities you say you support?

**Hon Mr Eves:** I will certainly be happy to take the very facts that he talks about in this particular circumstance back to the Minister of Education. However, as I said to the member for Fort William earlier, in response to a question that she asked, there are several avenues of support for boards of education across the province. Ultimately, of course, there will be another \$583 million in the education system, but I understand that may not help boards in a transitional situation. Hence, the Minister of Education has some \$385 million in a transitional fund and some \$69 million for boards that are having in-year, stub-year problems with respect to expenditures as the result of amalgamation of boards.

I'd be more than happy, though, as I reiterated, to take those facts back to the Minister of Education.

### HOSPITAL FUNDING

**Mr Gilles Bisson (Cochrane South):** My question is to the Minister of Health. Minister, you would know that as a result of your government's cuts to provincial hospital budgets, hospitals across Ontario are cutting back on hospital services offered to people.

Let me draw your attention to but one example of the effects your cuts are having on the people in our community. As a result of your cuts at the Timmins and District Hospital, the Timmins and District Hospital board has decided to lay off Doug Heath, the only behavioural therapist in our community. That means, for example, that people with eating disorders, as well as other behavioural disorders, have no one to turn to.

Minister, I ask you a very simple question. Are you prepared today to commit to restore the adequate budgets to hospitals like the Timmins and District Hospital in order to ensure they can reverse these types of decisions so people in our communities don't go without services?



**Hon Elizabeth Witmer (Minister of Health):** I would just remind the member that our government has actually increased the funding for health care in the province of Ontario. When we were elected, we were spending \$17.4 billion. We have seen the increased need in order that we can provide a continuum of care that starts with prevention, primary care, acute care, long-term care and community services. In fact, we've recently invested \$1.2 billion into community care and long-term-care services. We are going to do everything we can in order to ensure that people have the appropriate health services as close to their home as we can possibly provide them. Today, we're spending in the neighbourhood of \$18.7 billion, an increase of almost \$1.2 billion to \$1.3 billion a year.

**Mr Bisson:** Minister, nobody buys it. Everybody knows it's your government, and you're the minister who has reduced hospital budgets by over \$2 billion in this province. It means that in communities across Ontario we're having situations such as are happening at the Timmins and District Hospital. Boards are being forced to lay off much-needed staff and citizens in our communities are going without public health services.

I have here a letter written by Mollie Minako, one of the letters that appeared recently in the Timmins Daily Press. It reads as follows — and I think it's interesting — “I was under the impression that maintaining and improving services was to be the primary consideration, and laying off the only behavioural therapist certainly does not meet with that criteria.” People understand what your cuts are doing. We're going without the services.

I ask you again, will you reverse the decision that your government has made to cut hospital budgets in this province so that we can go on with making sure that people in communities like Timmins, as across Ontario, can access the services they need when they get sick?

**Hon Mrs Witmer:** Our government is taking steps that should have been taken many years ago; that is, we are ensuring that the appropriate health services are in place, that we can support the people in this province. As I've just mentioned to you, we are spending more on health care than we ever have in the history of this province.

In fact, I would just remind the member opposite that during the first year of the NDP rule there were 61 hospitals in this province that had a deficit. In the last year of your rule, there were 68 hospitals. This is the problem we find ourselves with in this province. Because of the neglect of previous governments we are now trying to ensure that the appropriate services are in place to deal with the needs of our aging, growing and changing population. We are reinvesting in the hospitals and we are making available priority services that were not there before. We continue to work with the hospitals to ensure that the appropriate services are provided.

#### RENT REGULATION

**Mr John L. Parker (York East):** My question is for the Minister of Municipal Affairs and Housing. Last

week, there was a story in the paper about a woman named Nancy Campbell who had to pay \$1,200 in back rent. This problem dates back to 1990 when she appealed a rent increase under the Liberals' rent control system. Clearly, a system that takes several years to resolve one person's appeal doesn't work well for tenants and doesn't work well for landlords. The current system, brought in by the NDP, has had the effect of almost totally stopping construction of new rental properties altogether and allowing the existing stock to deteriorate. Minister, can you tell this House what our government is doing to make the system more fair and more responsive to everyone — landlords and tenants?

**Hon Al Leach (Minister of Municipal Affairs and Housing):** I thank the member for York East for that very good question. I'd be more than pleased to tell the House what this government is going to do to correct the mess that's out there right now.

The example used was of a system that was so complex and so confusing that it took the courts eight years to find out that there was a \$1,200 rent increase due — eight years. That's how complex and messy the rent control system the Liberals had in was. There was no new construction. The stock was deteriorating. There was certainly insufficient protection for tenants and landlords both.

What are we going to do? We're going to put in a system that protects tenants and also gives an incentive to landlords to get back into the building business. We said our first goal is to make sure that tenants are protected and the new Tenant Protection Act does just that.

**Mr Parker:** The current system makes it difficult for both tenants and landlords to have their disputes settled. Often it can take months and cost thousands of dollars for a dispute to be resolved. Minister, how does the Tenant Protection Act propose to deal with landlord and tenant disputes?

**Hon Mr Leach:** I thank the member for York East for that very fine question. What are we doing to make sure that the system works well and to make sure that we don't run into circumstances where it takes eight or nine years of court time to resolve a very simple landlord and tenant concern? We're putting in a rent control tribunal that will deal with tenant and landlord disputes in a very fast, efficient and effective way. They'll be able to be settled within days or weeks or at the most several months, rather than seven or eight years.

Do you know that from the Liberal rent control legislation, we still have 10 cases in the courts from 1988? It has taken that long for the courts to try and figure out what that complex legislation was. I can assure you that the legislation we're putting in under the Tenant Protection Act will allow tenants and landlords to resolve their differences in a very expedient manner.

1510

## MINISTRY OF ENVIRONMENT AND ENERGY

**Mr Dominic Agostino (Hamilton East):** My question is to the Minister of the Environment. As your government reaches now its third year in office, I am reminded of a promise made by the Premier related to the environment. He was quoted three days before the election of June 5, 1995, three years ago, as saying that there would not be one cent cut out of the environment. He said, "We can find the \$6 billion in cuts without touching the environment."

Minister, you've cut \$135 million out of your budget, you've laid off over 700 staff, you've cut monitoring stations across this province, charges are down, prosecutions are down, environmental controls no longer exist in this province. Can you explain to me how you can sit there and defend the statement of your Premier, who said that you would not cut one cent out of the environment, when you have gutted your ministry and you've abandoned all environmental protection, at a cost of \$135 million? Who's right: Your cuts or the comments of your Premier?

**Hon Norman W. Sterling (Minister of the Environment, Government House Leader):** I am pleased to have the opportunity to respond to the member about some of the wonderful things that the Ministry of the Environment is doing. Last week, you may know, I announced some \$120 million in grants to a huge number of municipalities across the province, some 43 different municipalities where we gave this money so they could improve their sewage and water treatment.

The member opposite mentioned air quality monitoring. Our air quality monitoring in the province of Ontario is better now than it was last year. It has markedly improved from five or six years ago, because we have improved the equipment, we have more modern equipment, we have equipment which measures many more parameters than the previous equipment. The odd part is that this year the Ministry of the Environment's budget for operating expenses actually increased.

## MEMBER'S PRIVILEGE

**Mrs Lyn McLeod (Fort William):** On a point of order, Mr Speaker: Briefly, I want to correct my earlier record. I believe I referred to the Superior-Gemstone board. It is, of course, the Superior-Greenstone board.

## PETITIONS

### HOSPITAL RESTRUCTURING

**Mr John C. Cleary (Cornwall):** I have a petition to Legislative Assembly of Ontario:

"Whereas the Health Services Restructuring Commission recommends two sites, two boards and two administrations for Cornwall and area hospitals; and

"Whereas the HSRC recommends the closing of hospital lab services in Cornwall; and

"Whereas the HSRC recommends building on a site that has no room for growth beyond the year 2003 and will be unable to meet the community's future needs;

"We, the undersigned, petition the Legislative Assembly of Ontario to instruct the Health Services Restructuring Commission to consolidate all hospital services at the Hotel Dieu site, which offers 28 acres of property for future development, with one board and one administration."

This is signed by 11,200 residents of Cornwall, S-D-G, Prescott and Russell and St Regis.

### FRAIS DE SCOLARITÉ

**M. Gilles Bisson (Cochrane-Sud):** J'ai ici une pétition de la Fédération canadienne des étudiantes et étudiants. C'est une déclaration en faveur du gel immédiat des frais de scolarité, et elle se lit telle que :

«Attendu que les frais de scolarité ont augmenté de plus de 140 % au cours des dernières dix années ; et

«Attendu que depuis 1986, les augmentations annuelles du coût de la vie n'ont pas dépassé 2 % tandis que les augmentations annuelles des frais de scolarité se situent entre 7 % et 20 % ; et

«Attendu que les frais de scolarité élevés représentent un obstacle aux études postsecondaires, notamment chez les étudiants et étudiantes de milieu de faible revenu, et ceux qui ont des responsabilités parentales ou des besoins spéciaux ; et

«Attendu que les étudiants et étudiantes paient maintenant plus de 40 % des coûts de fonctionnement des universités et des collèges ; et

«Attendu que la qualité de l'éducation s'est détériorée, en partie à cause de la dégradation des installations de classes ;

«Nous, les soussignés, faisons appel au gouvernement de l'Ontario pour la mise en oeuvre immédiate d'un gel des frais de scolarité.»

Je signe cette pétition.

### ABORTION

**Mr Bill Grimmett (Muskoka-Georgian Bay):** I have a petition that I'd like to present today, and in accordance with standing order 38(b) I'll just summarize the petition by saying that the 34 people from my riding who have signed this are asking that the Legislature cease from providing any taxpayers' dollars for the performance of abortions. I'll file that today.

### ROAD SAFETY

**Mr Alex Cullen (Ottawa West):** I have a petition here to the Legislature of Ontario:

"Whereas red light cameras can dramatically assist in reducing the number of injuries and deaths resulting from red light runners; and



"Whereas red light cameras only take pictures of licence plates, thus reducing privacy concerns; and

"Whereas all revenues from violations can be easily directed to a designated fund to improve safety at high-collision intersections; and

"Whereas there is a growing disregard for traffic laws, resulting in serious injury to pedestrians, bicyclists, motorists and especially children and seniors; and

"Whereas the provincial government has endorsed the use of a similar camera system to collect tolls on the new Highway 407 tollway; and

"Whereas mayors and concerned citizens across Ontario have been seeking permission to deploy these cameras due to limited police resources;

"We, the undersigned, petition the Legislature of Ontario as follows:

"That the province of Ontario support the installation of red light cameras at high-collision intersections to monitor and prosecute motorists who run red lights."

I affix my signature to it.

#### FINANCEMENT DE L'ÉDUCATION

**M. Gilles Bisson (Cochrane-Sud) :** J'ai ici une pétition souignée par environ un couple de mille citoyens de nos communautés de Timmins, Iroquois Falls et Matheson. Elle se lit telle que :

"Attendu que l'éducation de nos enfants est prioritaire ; et

"Attendu que nous trouvons que le système d'éducation publique, tel qu'il existe, répond aux besoins du plus grand nombre d'élèves possible, y inclus ceux qui ont des besoins particuliers ; et

"Attendu que les changements proposés à travers la Loi 160 élimineront les possibilités d'action locale pour répondre aux besoins spécifiques de nos élèves ; et

"Attendu que ces changements ont affecté la salle de classe de façon négative, diminuant les ressources disponibles aux enseignants et enseignantes ;

"Il est résolu qu'on appelle au ministre de retirer le projet de loi 160 et entend des discussion sérieuses avec la FEO et ses filiales afin de répondre aux inquiétudes de tous les partis."

Avec plaisir je signe cette pétition.

#### ABORTION

**Mr R. Gary Stewart (Peterborough):** I have a petition from some 250 Knights of Columbus. It's regarding abortions, some 45,000 being at a cost of \$25 million in the year 1993. They recognize that pregnancy is not a disease, injury or illness and they petition the Legislative Assembly of Ontario to cease from providing taxpayers' dollars for the performance of abortions. I file that petition today.

#### MENTAL HEALTH SERVICES

**Mr Michael Gravelle (Port Arthur):** As you know, there's a mental health care crisis in Thunder Bay. We have many people writing us petitions, with great concern expressing that. This petition reads:

"To the Legislative Assembly of Ontario:

"Whereas proper mental health care is essential to all Ontarians; and

"Whereas mental health care is severely underfunded in northwestern Ontario; and

"Whereas the Health Services Restructuring Commission has called for the closure of the Lakehead Psychiatric Hospital with no replacement services in its place; and

"Whereas appropriate community mental health treatment is so lacking in northwestern Ontario that those who need treatment, support and rehabilitation are incarcerated in district jails; and

"Whereas the Ministry of Health has not delivered on its commitment to set up the Northwestern Ontario Mental Health Agency over one year after it promised to do so; and

"Whereas there is a dramatic shortage of psychiatrists in northwestern Ontario, to the point where the doctors are severely overworked; and

"Whereas the Ministry of Health promised a 12-bed adolescent treatment centre and has failed to deliver on that promise;

"Therefore, we, the undersigned, petition the Legislative Assembly of Ontario to commit those funds necessary to provide full and proper mental health care to those in need in northwestern Ontario and call on the Minister of Health to cancel the closure of the Lakehead Psychiatric Hospital."

1520

#### ACCESSIBILITY FOR THE DISABLED

**Mr John L. Parker (York East):** I have here a petition to the Legislative Assembly of Ontario. It reads as follows:

"Whereas the Premier of Ontario has committed the government of Ontario to enacting an Ontarians with Disabilities Act during its current term of office; and

"Whereas the expiry of the government of Ontario's current term of office is approaching; and

"Whereas the Premier of Ontario has further committed the government of Ontario to working with members of the Ontarians with Disabilities Act Committee, among others, to develop such legislation; and

"Whereas the Legislative Assembly of Ontario has unanimously passed a resolution urging the government of Ontario to keep its promise to enact an Ontarians with Disabilities Act during the current term of office and that the government of Ontario work with members of the Ontarians with Disabilities Act Committee, among others, to develop such legislation; and

"Whereas the Ontarians with Disabilities Act Committee, of which the Bloorview MacMillan Centre is a

supporting member, has provided to the government of Ontario the document A Blueprint for a Strong and Effective Ontarians with Disabilities Act, which contains many examples of barriers experienced by people, including children and young adults with disabilities; and

"Whereas the government of Ontario committed in its 1998 budget address to supporting people with disabilities through a variety of measures, including the creation of an Ontarians with Disabilities Act;

"Therefore we, the undersigned, of Bloorview MacMillan Centre, a family-centred rehabilitation facility serving Ontario's children and youth with disabilities and special needs and their families, petition the Legislative Assembly of Ontario to immediately act on its commitment to enact an Ontarians with Disabilities Act during the current term of office, and in doing so include effective means to eliminate barriers experienced by children and young adults with disabilities and special needs and their families, and also to involve the Ontarians with Disabilities Act Committee, among others, including children and young adults with disabilities and special needs and their families, in developing such legislation."

#### HEALTH CARE FUNDING

**Mr Dwight Duncan (Windsor-Walkerville):** I have a petition to the Legislative Assembly of Ontario:

"Whereas we are concerned about the quality of health care in Ontario;

"Whereas we do not believe health care should be for sale;

"Whereas the Mike Harris government is taking steps to allow profit-driven companies to provide health care services in Ontario;

"Whereas we won't stand for profits over people;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"Do not privatize our health care services."

I'm pleased to join the tens of thousands of citizens of my community in signing this petition.

#### PAY EQUITY

**Mr John Hastings (Etobicoke-Rexdale):** I'd like to present a petition for pay equity, from the nursing staff, health care aides and registered practical nurses, dietary staff, laundry staff, housekeeping staff and activity staff.

"We, the staff at Central Care Corp Nursing Home, request payment of all proxy pay equity amounts owed to us."

I'll affix my signature to it.

#### ROAD SAFETY

**Mr Bruce Crozier (Essex South):** I have a petition from the Canadian Pensioners Concerned, which has a number of whereases, not the least of which is:

"Whereas red light cameras can dramatically assist in reducing the number of injuries and deaths resulting from red light runners; and

"Whereas there is a shortage of police officers; and

"Whereas mayors and concerned citizens across Ontario have been seeking permission to utilize red light cameras;

"We, the undersigned, petition the Legislature of Ontario as follows:

"That the government of Ontario support the installation of red light cameras at high-collision intersections to monitor and prosecute motorists who run red lights."

In support of that, I add my signature.

#### ABORTION

**Mr Ted Chudleigh (Halton North):** I have a petition to the Legislative Assembly of Ontario:

"Whereas the Ontario health system is overburdened and unnecessary spending must be cut; and

"Whereas pregnancy is not a disease, injury or illness and abortions are not therapeutic procedures; and

"Whereas the vast majority of abortions are done for reasons of convenience or finance; and

"Whereas the province has exclusive authority to determine what services will be insured; and

"Whereas the Canada Health Act does not require funding for elective procedures; and

"Whereas there is mounting evidence that abortion is in fact hazardous to women's health; and

"Whereas Ontario taxpayers funded over 45,000 abortions in 1993 at an estimated cost of \$25 million;

"Therefore we, the undersigned, petition the Legislature of Ontario to cease from providing any taxpayers' dollars for the performance of abortions."

#### CHIROPRACTIC HEALTH CARE

**Mr Alvin Curling (Scarborough North):** I have a petition here that reads:

"We, the undersigned, as active chiropractic patients, represent almost 10% of the Ontario population. We feel that we carry too much of the financial burden for chiropractic care. Any cutbacks to OHIP funding of chiropractic care are not acceptable. We feel there should be increased OHIP funding with respect to chiropractic care."

I affix my signature to this.

#### ABORTION

**Mr Bob Wood (London South):** I have a petition signed by 80 people.

"Whereas the Ontario health system is overburdened and unnecessary spending must be cut; and

"Whereas pregnancy is not a disease, injury or illness and abortions are not therapeutic procedures; and

"Whereas the vast majority of abortions are done for reasons of convenience or finance; and



"Whereas the province has exclusive authority to determine what services will be insured; and

"Whereas the Canada Health Act does not require funding for elective procedures; and

"Whereas there is mounting evidence that abortion is in fact hazardous to women's health; and

"Whereas Ontario taxpayers funded over 45,000 abortions in 1993 at an estimated cost of \$25 million;

"Therefore we, the undersigned, petition the Legislative Assembly of Ontario to cease from providing any taxpayers' dollars for the performance of abortions."

### MENTAL HEALTH SERVICES

**Mrs Lyn McLeod (Fort William):** I have a petition to the Legislative Assembly of Ontario.

"Whereas proper mental health care is essential to all Ontarians; and

"Whereas mental health care is severely underfunded in northwestern Ontario; and

"Whereas the Health Services Restructuring Commission has called for the closure of the Lakehead Psychiatric Hospital with no replacement services in its place; and

"Whereas after-hours psychiatric care is so lacking in northwestern Ontario that those who need help are incarcerated in district jails; and

"Whereas the Health Services Restructuring Commission has not delivered on its commitment to set up the Northwestern Ontario Mental Health Agency over one year after it promised to do so; and

"Whereas there is a dramatic shortage of psychiatrists in northwestern Ontario, to the point where the doctors are severely overworked; and

"Whereas the Ministry of Health promised a 12-bed adolescent treatment centre and has failed to deliver on that promise;

"Therefore we, the undersigned, petition the Legislative Assembly of Ontario to commit those funds necessary to provide full and proper mental health care to those in need in northwestern Ontario and call on the Minister of Health to cancel the closure of the Lakehead Psychiatric Hospital."

This is signed by a large number of my constituents who share these concerns, and I affix my signature in full agreement.

### EDUCATION FUNDING

**Mr Gilles Bisson (Cochrane South):** I have here yet another petition, signed by a number of people in our community, that reads as follows:

"To the Legislative Assembly of Ontario:

"Whereas the Ontario government wants to take up to an additional \$1 billion out of the education system this year; and

"Whereas the Ontario government will remove up to 10,000 teachers from the classroom across the province; and

"Whereas the Ontario government will have unbridled regulatory power over public education; and

"Whereas the Ontario government wishes to remove the right to negotiate student learning conditions; and

"Whereas the Ontario government proposes to undermine shared decision-making among students, parents, educators, trustees and taxpayers;

"We, the undersigned Ontario residents, petition the Legislative Assembly to withdraw Bill 160."

### BEAR HUNTING

**Mr John O'Toole (Durham East):** I'm pleased to present a petition from a number of my constituents in Durham East with respect to the spring bear hunt.

"To the Legislative Assembly of Ontario:

"Whereas the spring bear hunt takes the lives of many bear, we petition the Ontario government to outlaw the use of dogs and baiting during the bear hunt season in Ontario."

I'm very pleased to support and sign this petition.

1530

### ORDERS OF THE DAY

#### TIME ALLOCATION

#### ATTRIBUTION DE TEMPS

**Hon Norman W. Sterling (Minister of the Environment, Government House Leader):** I move that, pursuant to standing order 46 and notwithstanding any other standing order relating to Bill 108, An Act to deal with the prosecution of certain provincial offences, to reduce duplication and to streamline administration, when Bill 108 is next called as a government order in committee of the whole House, 15 minutes be allotted to consideration of the bill in committee of the whole House;

That, at the end of that time, the Chair of the committee shall without further debate or amendment put every question necessary to dispose of all remaining sections of the bill and any amendments thereto and report the bill to the House;

That any divisions required shall be deferred until all remaining questions have been put, the members called in once and all deferred divisions taken in succession;

That, upon receiving the report of the committee of the whole House, the Speaker shall put the question for adoption of the report forthwith, which question shall be decided without debate or amendment, and at such time, the bill be shall be ordered for third reading;

That the order for third reading of the bill shall then immediately be called and 30 minutes shall be allocated to the third reading stage of the bill. At the end of this time, the Speaker shall interrupt the proceedings and shall put every question necessary to dispose of this stage of the bill without further debate or amendment.

That, in the case of any divisions relating to any proceeding on the bill, the division bell shall be limited to five minutes and no deferral of any division pursuant to standing order 28(h) shall be permitted.

**Mr Bud Wildman (Algoma):** On a point of order, Speaker: You will recall that my friend from St Catharines raised a point of order on this motion —

**The Speaker (Hon Chris Stockwell):** No.

**Mr Wildman:** I'm sorry. I apologize.

**The Speaker:** That's okay.

Mr Sterling has moved government notice of motion number 16. Government House leader?

**Hon Mr Sterling:** I'm going to open with a few comments. I will be sharing my time with the Attorney General, the member for Northumberland, the member for Durham East and the Minister of Agriculture and francophone affairs.

This particular matter should not have come to a time allocation motion. Bill 108 has been in front of this Legislature for some time now. There was an amendment put forward by the third party which was defeated at the standing committee stage. When the bill returned to the Legislature and was put into the committee of the whole House, the third party introduced here again the same motion that they had introduced at the standing committee stage. We had several debates over a long period of time to deal with that particular motion. However, it was apparent after I believe two sessional day sittings that the third party was going to continue and talk this bill out.

This bill, and I'm sure the Attorney General will elaborate upon it, gives considerable revenues to various municipalities from fines related to the Provincial Offences Act.

Subsequent to Bill 108 being stalled in committee of the whole House, I asked the Attorney General to talk with various francophone groups that might have been concerned with regard to the implementation of Bill 108. He was successful in obtaining from them a compromise position which would put an amendment to Bill 108. He obtained significant support from various groups with regard to that. However, the third party continued to hold the position that this was not enough, notwithstanding the fact that the community which the third party was holding out to represent was *ad idem* with the Attorney General, or was in sync with the Attorney General, with regard to the amendments which he put forward.

When members of this Legislature get up and talk about the government having to time-allocate this bill or that bill, it's not because we are not trying to accommodate amendments, we are not trying to listen to the opposition, we are not trying to find a compromise, because we found a compromise which pleased everybody but the members from the third party. In other words, it pleased the stakeholders, the people of Ontario who are concerned with this issue, but it just didn't satisfy the NDP members, particularly the NDP member for Cochrane South, I believe it is.

Unfortunately this Legislature is going to have to spend all this afternoon and we're going to have to spend some

time in another sessional day to deal with this bill. We've already spent, I believe, about four or five days of debate in the Legislature on this bill, which is clearly non-controversial in terms of all the other provisions the bill contains. It went out to committee, we had public hearings in the committee, and the public had an opportunity to put forward. There were some amendments, I believe, in the standing committee when it went out of the Legislature.

We have a very intransigent third party with regard to this matter. They will say, I'm sure, in the future, "The Progressive Conservative government of Mike Harris is time-allocating this bill and they're time-allocating that bill." I want the public to understand why we have to time-allocate: because we do not have a reasonable opposition in terms of dealing on these matters. When we try to accommodate them, they will not move from their position at all, and therefore we're in the position again of time-allocating a bill which all of the municipalities across this province want.

It's unfortunate that we have to go to this length, that we have to chew up the time of the Legislature on a matter where, as I say, everybody but the politicians agree. The groups that represent the francophone community have agreed with the amendment, and I'm sure the Attorney General will put that forward.

I expect that we will be forced to time-allocate other bills in the future if we can't gain any cooperation from the opposition when a dispute arises. I'm really disappointed that on this one we could not reach an accommodation, that we could not negotiate back and forth on what a suitable amendment would be, especially since we had such a great degree of support from the francophone community.

I'd like at this point to pass it over to the Attorney General, who is responsible for Bill 108.

**Hon Charles Harnick (Attorney General, minister responsible for native affairs):** I thank the government House leader for those opening remarks.

The subject matter here today is Bill 108, which proposes amendments to the Provincial Offences Act. The amendments will enable the government to transfer to municipalities all the remaining administrative functions and some of the prosecutorial functions of the Provincial Offences Act.

There are four key benefits to this proposed legislation: It transfers matters that have local impact into the control and accountability of local authorities while ensuring that there are clear and consistent provincial standards for the administration of justice; it enables the province to focus on prosecuting serious criminal offences by allowing municipalities to prosecute minor ticket-type offences; it meets a commitment this government has made to eliminate waste and duplication by bringing administrative functions together under one level of government; and it provides municipalities with a new source of net revenue to improve local services.

I want to assure the members of the House that the preservation of the integrity of the justice system is fundamental to this transfer. The province will continue to be



responsible for setting and monitoring standards for the administration of justice to ensure uniform, fair and equal justice across Ontario.

In developing this initiative, I have consulted extensively. In fact, I want to take this opportunity to thank the considerable number of individuals and groups who have assisted the ministry with this initiative.

Over the past two years, many municipalities have provided time for their representatives to consult with the ministry. For example, ministry staff and I have met with the new city of Toronto, the city of Brampton, the regional municipality of Hamilton-Wentworth, the town of Milton, the regional municipality of Ottawa-Carleton, the city of St Thomas and the city of Thunder Bay. Since last December, the list of municipal representation in the consultation group has grown to include the city of Barrie, the county of Simcoe, the new city of Chatham-Kent, the city of North Bay, the district of Nipissing, the region of York, Halton Hills and the county of Renfrew.

Indeed, we have received valuable input from many municipalities, the judiciary, the bar, enforcement agencies, ministry staff and legal experts. These contributions have enabled us to engage in a constructive and productive dialogue on the proposed Provincial Offences Act transfer since it was first recommended by the Crombie Who Does What panel in August 1996. Their invaluable assistance, as well as the participation of the Association of Municipalities of Ontario, has been instrumental in the design of the transfer.

1540

I would particularly like to thank those who came to show their support for the bill at the standing committee on general government, in some cases from significant distances.

Many municipalities raised the issue of local control during committee hearings. For example, the town of Caledon, which is now part of the court service area of Dufferin, said that it supported the proposed Bill 108 because it would help the municipality achieve the administration of justice at the local level.

Offences committed under the Highway Traffic Act, and speeding infractions in particular, form the bulk of offences for which tickets are issued under part I of the Provincial Offences Act. These types of violations have a considerable impact on local communities, so it simply makes sense that local governments should play a role in administering and prosecuting these offences. They also need the net fine revenue to help them improve local services.

All municipalities in Ontario have been sent background information about the Provincial Offences Act and the proposed transfer. The province is currently offering information sessions for interested municipalities which will outline the scope of the work proposed to be transferred. The province is also providing interested municipalities with financial information related to provincial offences in their areas. This information will help municipalities prepare for the proposed transfer.

The response has been very positive. Municipalities are eager for this information. They are interested in becoming partners in the proposed transfer. They are preparing for the proposed transfer. Preparation planning is key to ensuring that justice standards will be met.

Municipalities continue to express their enthusiastic support for the transfer. I have received many letters and phone calls urging me to work towards the quick passage of Bill 108.

The proposed transfer is voluntary. However, municipalities that want to participate will have to demonstrate that they are ready and able to meet all provincial justice standards. The proposed transfer agreement clearly sets out these standards, which include standards for prosecutions, for court operations and for French-language services.

Once selected, the municipality will sign a memorandum of understanding, which clearly sets out the respective roles of the Ministry of the Attorney General and the municipality.

As I indicated, one of the standards is the obligation to provide existing levels of service in French. It is clearly stated in the memorandum of understanding as a responsibility of the municipality. Services in the French language will be maintained at current levels provided by the province during and after the proposed transfer of Provincial Offences Act responsibilities to municipalities.

These existing levels of French-language service include the right to a bilingual trial before a French-speaking justice of the peace everywhere in the province. The proposed transfer agreement will require municipalities to provide a prosecutor who speaks French when someone asks for a bilingual trial anywhere in the province. In designated areas of the province, municipalities must continue to provide bilingual counter and telephone service for court users. These justice standards are contained in law and in the transfer agreement.

The province will be monitoring municipalities' performance and will ensure that they meet these justice standards. I will be establishing a review committee to assist in monitoring municipal compliance with provincial justice standards, including the provision of services in the French language. If a municipality isn't meeting the standards, the proposed approach allows us to quickly identify the problem and to correct it. Also, the review committee will have the power to recommend that the ministry impose real and effective sanctions when necessary.

I am pleased to say that the Association of Francophone Municipalities of Ontario, which represents 45 municipalities serving more than 85% of the province's francophone population, and the association of francophone jurists, representing French-speaking jurists in Ontario, have accepted my offer to put forward representatives to sit on this review committee if the bill passes.

I have worked closely with the francophone community to ensure that their concerns would be addressed. I have taken the necessary steps to ensure that French-language services will continue. I have consulted extensively with the francophone community, through discussions with the

Association of Francophone Municipalities and with the francophone jurists' association. Indeed, I would like to take this opportunity to thank the francophone organizations, both AFMO and AJEFO, for their cooperation over the past few months. They have offered to assist the ministry in developing and implementing the tools municipalities would need to ensure that French-language service requirements are met.

These associations have also expressed their willingness to provide support to those municipalities with few resources to provide French services. However, because of AJEFO's concerns about a potential loss of French-language service to the community through the transfer, I met with their representatives to understand their concerns. At the same time, I met with representatives of the Association of Francophone Municipalities. We met on several occasions.

An agreement was made to propose an amendment to clarify the section of the bill that was in question. I also accepted their suggested improvements to the proposed transfer agreement. These changes would have reinforced the obligation of municipalities to continue to provide the same level of French-language services as the Ministry of the Attorney General now does.

We had an agreement. That agreement was reached with two independent francophone associations that represent the francophone community, who are not tied to any particular political party. Both associations confirmed their support for this agreement by letter to me and to the opposition. Even though we were able to reach an agreement that met the concerns of the francophone community, the opposition has chosen to ignore this support and is now stalling this bill by criticizing the bill for their own political gain. Because of their criticism, we have not been able to move forward on this bill and satisfy the needs of municipalities that want this bill to proceed as soon as possible.

The only option left, then, is to go ahead with the bill so that we no longer deny municipalities and the citizens of Ontario the benefits of this proposed transfer, while at the same time doing our utmost to protect the right to French-language services. There is simply no reason to delay this bill any further. There has already been much debate on this issue and on this bill. There was second reading debate on February 12, 1997. Then we had eight hours of public hearings on May 1, 1997, followed by debate at clause-by-clause reading on May 8. We debated during committee of the whole in December, and the same questions have been discussed during question period. Nothing new is being said. It is the same repetitions over and over. Further debate will not be productive.

I can assure the members of the House that the preservation of the integrity of the justice system is fundamental to this transfer. Under the proposed legislation, the province will continue to be responsible for setting standards for the proper administration of justice to ensure uniform, fair and equal justice across Ontario.

I am confident that municipalities are capable and willing to meet these standards. Again, at no time during

our extensive consultations have municipalities expressed unwillingness to provide these services; in fact, we have already received expressions of interest from several municipalities.

As a result of this delay, municipalities are being denied access to a new source of revenue that can be used to improve local services for their residents. It makes sense for local justice matters to be dealt with locally. Further delay prevents the government from meeting its commitment to reduce overall costs to the taxpayer. Without this legislation, the ministry won't be able to work with its municipal partners, francophone and anglophone alike, to streamline administration and prosecution of provincial offences.

The government appreciates the cooperation it has received on this initiative. Despite our efforts, and the dedication, the assistance and the cooperation of stakeholders, anglophone and francophone alike, the opposition has not allowed us to move forward. Further delay is harmful. We have a responsibility to the taxpayers of Ontario to provide a justice system that enables the province to focus justice resources on more serious criminal offences. In the long run, it is not the government, but rather the taxpayers of Ontario, who will benefit from this legislation, and it is the taxpayers who will suffer if delays continue.

#### 1550

I just want to very briefly review the comments that I have received from the francophone community. I have received letters from the association of francophone jurists and they confirm that:

"Inasmuch as there is incorporation by reference, this text is acceptable to us as it strengthens citizens' recourse to the courts if their language rights are violated. This is a compromise which, in my opinion, benefits all parties. The government ensures respect for the basic principles of justice and for the language rights by municipalities interested in signing an agreement with the Attorney General. The Franco-Ontarian community will benefit from the fact that in Ontario language rights are associated with statutory and common law rights.

"I would like to thank you for the successful result we have achieved by protecting existing language rights in this way as part of the transfer to Ontario municipalities of prosecution responsibilities with respect to certain provincial offences and certain federal contraventions. You are the first government to clearly specify the right to a French-speaking municipal prosecutor. I am also pleased with the wording used: 'will ensure the delivery of counter services in French.'"

I'd just like to digress a moment because I want to contrast the way this government is transferring Bill 108 responsibilities to municipalities with the way the former government transferred parking ticket infractions under the Provincial Offences Act to municipalities. I want to say that the people who are about to stand up and debate this issue, when they were in government, did absolutely nothing to protect French-language services with respect to parking infractions when they were transferred from the



provincial government to municipalities across this province. Nowhere in this province today, as a result of their negligence and as a result of the fact that they totally ignored francophone rights, does a francophone person have an opportunity guaranteed to have over-the-counter services in the French language.

When you hear the debate that is going to be offered — I know it's not parliamentary to say that their arguments will be hypocritical, so I'm not going to say that. But I can say that they did not guarantee any French-language rights when they were the government and I can certainly say that they weren't getting any letters like this from francophone organizations supporting the method that they did their transfer in, compared to the way we're doing our transfer.

I just want to continue to read what they say:

"I would like to take this opportunity to renew our association's offer to contribute in various ways to the devolution of responsibilities to the municipal sector, in particular by participating in the review committee provided for in Bill 108.

"Finally, I would like to thank you for your personal intervention in this matter and for your suggestions that allowed us to protect language rights, which are so important to our Canadian identity. I am very happy that we were able to work together to amend this bill in so positive a manner."

The only person who doesn't understand the amendment that we've proposed and that we will be providing when we meet again in committee of the whole, if this motion passes, is the member for Cochrane South.

I want to read what the Association of Francophone Municipalities has said. They have indicated that:

"The government indicated to us that language rights are incorporated in the notion of a fair hearing in the part of the agreement that could be argued according to the government's amendment to the bill. Accordingly, a defendant could not risk losing his or her language rights if these rights were not offered because doing this would be a contravention of the agreement which would violate the defendant's rights."

They go on to say: "We therefore consider it imperative that the Legislature deal with this particular issue as soon as possible."

Mr Speaker, I'd like to tell you about a communiqué put out by ACFO, l'Association canadienne-française de l'Ontario, and it's entitled, Someone is Listening. Here's what ACFO said when they put out their communiqué.

"It is quite encouraging to note that linguistic rights and basic principles of law will be preserved when Ontario municipalities are transferred the responsibility for lawsuits and some provincial infractions. We were called during negotiations for the transfer of programs. Francophones voiced their concerns around access to French-language services. Under the French Language Services Act, municipalities are not obliged to offer services in French. Throughout these discussions l'Association des juristes d'expression française de l'Ontario, the francophone lawyers' association, repeatedly highlighted

the risks involved for the franco-Ontarian community. Now, with the proposed modification to Bill 108, municipalities will have to respect certain principles concerning the administration of justice. This modification protects the linguistic rights included in the transfer. ACFO is very pleased. We say kudos to the Ontario government and we thank l'AJEFO."

Again, I point out that the issues we are now proposing will permit us to proceed, will permit us to deal with this bill in a way that respects the rights of the francophone community, guarantees rights to the French language in our courts, and certainly no municipality will qualify to have provincial offences transferred to them if they are not prepared to enter into an agreement that in fact guarantees these language rights in conjunction with the bill we've proposed.

We've had great support for this bill. The only individual who seems not to understand the impact of the amendment we are proposing is the member for Cochrane South. As I said, where was he when parking infractions were transferred by his government with no guarantees of French-language rights? I didn't see any kudos from any French-language organization going to the former government.

Municipalities desperately want this legislation. They want to go ahead with this. They're concerned about the delay and they know the delay has been caused as a result of the politics the New Democratic Party is playing with this issue. Quite simply, they see right through that. They want this to proceed. This motion is important because it reflects very much the concerns of the municipalities all over Ontario to see this legislation pass and to see the Bill 108 implementation of the provincial offences at the municipal level.

I very much appreciate the opportunity to have made these remarks and I know that the member for Northumberland and the member for Durham have more to add.

**Mr Doug Galt (Northumberland):** It's certainly a pleasure to be able to speak on the time allocation motion so we can get on with Bill 108, An Act to deal with the prosecution of certain provincial offences, to reduce duplication and to streamline administration. Certainly the title of that bill is a theme that our government has been carrying throughout the last three years, and it's particularly appropriate on June 8, the third anniversary of our election.

I hope the opposition is quite pleased with this bill. It's some 22 pages. They complained bitterly about Bill 22, which had two pages, and in the last session they complained bitterly about Bill 26, which had over 100 pages. So maybe, like Goldilocks, we've hit just about right in the middle here.

This bill is about empowering local government, getting it to one level of responsibility. It's about simplifying government and its activities all through the Who Does What and, as the previous government wanted to talk about, disentanglement. It's about managing efficiently. It's about accountability. It's about costing less for the taxpayer. These are really recurring themes that have

come up in many bills we've been dealing with. It's also recognizing all of the activities of the Who Does What committee, what they did and how hard they worked. This is just part and parcel of completing that particular exercise.

It's difficult, as we've already heard, to understand why the opposition, particularly the third party, would be holding back a bill such as this. They talked about the need to respond more to the francophone community, when in fact at the time they were speaking we had the support of the francophone community. We had the support of the French municipalities; we had all kinds of support from various francophone associations. Of course, the third party ignored that, and I can only gather they were trying for some political gain, similar to the reason they held up Bill 146, the right-to-farm legislation, which was such an important bill for the farm community.

**1600**

Bill 108 is certainly the next logical step, which should have been taken some time ago, in the Who Does What exercise. This is about transferring ticketable offences, which was recommended by the Crombie study. We accept this, recommend it, agree with it. It's what Bill 108 will accomplish: getting those ticketable offences to the municipalities. Municipalities have expressed an interest. They want it to happen. They want the responsibility and they need the revenues from those tickets. They're already looking after parking fines, so they're in the business. They might just as well be fully into the business of all of the ticketable offences. Certainly, developing this bill and working it through has been about consensus-building with our municipal partners and our francophone communities.

Municipal management of this whole area makes sense. As mentioned, it's the goal of the Who Does What exercise. It's municipal responsibility for a local issue. Therefore, it's going to be more accountable, it's going to be simplified, it's going to be understandable and it's going to be more efficient. Minor ticket offences have a local impact. Criminal offences, on the other hand, are more general and will stay with the province. The province will then, with their staff and inspectors and police, have more time to focus on the problem of criminal offences once this transfer occurs through Bill 108.

The former government — actually, both former governments were unsuccessful in streamlining activities. The Liberal government went through a major examination of restructuring of the Ontario public service. I believe it was called Project 2000, if I remember correctly. Then they dropped that when the election, an unnecessary election, came up in the summer of 1990. The NDP came along and they were going to have a great customer service study and a disentanglement study. They studied it and they studied it and they studied it to death, and ended up not going anywhere.

I'd like to give you a quote from Lou Holtz, who is a coach at the University of Notre Dame. He said, "The guy who complains about the way the ball bounces is usually the guy who dropped it." That's what has happened with

the previous two governments. In both cases they studied how to change and how to restructure, how to do some customer service and the disentanglement process, and they dropped the ball rather than playing the game and getting on and doing things. Now they're upset because they didn't accomplish what they set out to.

We're using our existing resources effectively. There are a lot of things that will not change, that will be consistent. The court services, for example, basically will remain unchanged. The court computer system and methods of fine payment will remain the same. Generally, the location of the courthouse will remain the same, where people will go to court and to pay their fines.

This is going to be a new source of income for our constituent municipalities throughout Ontario. They'll be able to get at least \$65 million, and probably more, as they recover the fines from these offences. They'll be able to use them for local services. That's really what this is all about. It will help to offset some of those services that are in the community. It's all about what's going on with realignment and putting the dollars into the right place. It was recommended by the Crombie report and all the other studies that have been carried out.

We have heard an awful lot from some of the bleeding NDP councils. They haven't included some of this revenue. They make their case without putting all the facts in there. I'd like to quote from an NDP trustee in our area; she now happens to be the chair of the school board. Going back about a year and a half ago, dealing with some of the bills on education, she came out with a statement that if the provincial government put these bills in place, they "wouldn't even be able to buy a toothbrush." Where are they today? That very school board, led by that NDP, who has run several times for the NDP —

**Mr Steve Gilchrist (Scarborough East):** Unsuccessfully.

**Mr Galt:** That's right, very unsuccessfully.

At the very first meeting of the new board in January 1998 they spent \$2.9 million to buy a building and renovate it. They thought they could renovate it and buy it for \$2.9 million. That's what they put in the press. What came out about a month ago in their minutes and has been in the press just lately? They underestimated a bit on the renovations and now the grand total will be \$4.2 million, and they haven't even lifted a hammer, they haven't even gone into the building to do anything. You can just imagine. It'll be over \$5 million, maybe \$6 million, by the time they get finished — crying that they couldn't afford to buy a toothbrush yet they can do this to the taxpayer, getting ahead to September 1 when the new funding formula will come in. At the same time, they are picking up another \$3 million for that public board over what they were getting before, and in the same area the separate board is getting a marked increase, well over 10%.

I know there's been some concern about the prevention of conflict of interest. Some of the opposition has been concerned that it might be something like some of the US states where they tax through ticketing. Certainly I'm very pleased that this bill has all kinds of safeguards in place to



ensure that that won't happen here in the province of Ontario in some of our municipalities. Certainly the prosecutors and enforcement officials will be protected from political interference. It will be the municipality's responsibility to uphold the provincial standards that will be firmly in place.

This is about managing efficiently. Already the municipal administrations are prosecuting for parking offences, which I mentioned just a little while ago. They'll also be gaining quicker access to the revenues. In other words, fines will be paid directly to the municipality; it won't go through the province and then finally come back. The costs will be reduced significantly because of the streamlining. The process and the scheduling of trials will all be run by the local municipality. There will be one level of government administering this whole thing. It will be eliminating a tremendous amount of red tape which has been overburdening our court system in the past.

This overburdened court system has been something like the weather in the past: An awful lot of people complain about it and talk about it but they don't do anything about it, as we saw with the previous two governments. This government is doing something about it and this bill will certainly help the overburdened court system.

Bill 108 is designed to and will accomplish many things. With the administration and prosecution at the local level for local matters, it will be looking after the taxpayers and will really be quite a saving for them as they roll through this. The municipalities will be able to retain the revenue for local services, and really that's where it should be applied. Where local offences occur, they can then use those dollars to put into the system. The provincial government will be there to monitor compliance and to promote consistency, openness and fairness in our justice system.

There are many things in this bill that are really great, but in summary I'd like to wind up by mentioning that it will be empowering local government. It will be at one level of government to give out the tickets and also collect the fines and use them on a local basis. This will be simplifying the system. It will be managing far more efficiently by using this system. It will be more accountable to everyone, particularly for the taxpayers but also to the system, and it's going to cost less for our taxpayers. There's no question that these are recurring themes that we've seen in many of the bills we've brought forward, particularly for the Who Does What exercise.

I'm very pleased to be able to support this Bill 108, and particularly the time allocation so we can wind up this particular bill and get on with the whole Who Does What exercise.

With that, I'll turn to the member for Durham East for a few comments.

1610

**Mr John O'Toole (Durham East):** It is always a pleasure to follow the member for Northumberland. He hasn't really left very much for me to say, except to repeat, in many cases, the points he's made, but it is worth emphasizing the importance of accommodating the

municipalities in Ontario. The member for Northumberland has pointed out and indeed the Minister of Environment and Energy, Minister Sterling, and Mr Harnick have pointed out the essential important ingredients of Bill 108.

To draw it into perspective, I think those who are watching today may be interested to know that this bill was first introduced on January 20, 1997. Imagine that: On January 20, 1997, we introduced the bill. Second reading was February 27. Everyone was moving along rather smoothly and, as Mr Galt said, it was part of the Who Does What exercises. The municipalities had wanted this change. The minister was trying to accommodate the change and of course, wouldn't you know it, a little bit of politics entered into it.

It's a rather small bill but it's not an innocuous bill by any stretch. I'm just going to read the explanatory note so we have a better understanding of the essential ingredients of the debate:

"The bill amends the Provincial Offences Act to allow the Attorney General to make agreements with municipalities permitting them to undertake courts administration and court support functions for the purposes of the act and the Contraventions Act (Canada), and to conduct prosecutions for the purposes of parts I and II of the act and for related Contraventions Act purposes. Complementary amendments are made to the Courts of Justice Act and the Municipal Act."

In that respect, a lot of it's administrative. Really specifically today the debate is about the reasons for the time allocation. I've explained it was introduced in January 1997. Here it is over a year later and this government isn't able to respond. We need to act responsibly to AMO, the Association of Municipalities of Ontario, as well as my own local municipalities in the region of Durham. Further delay of passage of this bill only hampers municipalities in their efforts to improve their local services and indeed to balance their current budgets.

This is new revenue for municipalities. The bill represents a new source of revenue which we'll be able to use to improve local services. The bill was held up in committee of the whole in December 1997 only because the opposition claimed we had not responded to the francophone concerns. The Attorney General, the Honourable Charles Harnick, made it very clear today, and I'm confident that later in the discussion or debate today the Honourable Noble Villeneuve, the minister charged with francophone affairs, will make a few comments to reaffirm for the people of Ontario that this indeed does not pre-empt any access to services for our French-speaking Ontarians.

The bill was held up unnecessarily. At the same time, we've already had support from the Association of French Municipalities, AFMO. In the spring, the Attorney General again consulted with both AFMO and the French jurisdictional associations, AJEFO. After many long hours of extensive consultation and legal advice, an agreement was made to propose an amendment to Bill 108 that would clarify the section of the bill that was in question — one

small section, rather technical. The francophone associations AFMO, AJEFO and ACFO were in full support of the bill with the proposed amendments. They wrote letters of support and have agreed to assist with training, to participate on a review committee and to assist those municipalities that have few resources to provide this service to their constituents.

However, as usual, the NDP opposition has chosen to ignore this and is stalling the bill for its own political gains. I am surprised at those sorts of tactics. Of course I'm new here and I'm left speechless many times with the indifference to providing services, responding to the people of Ontario. The only option left for the government is to go ahead with the bill. That's the reason for this debate today: so that we can no longer deny municipalities and the citizens of Ontario the benefits of the proposed transfer, while at the same time protecting French-language services.

The government's commitment to this proposed legislation, as I said, goes back to January 1997. The time has come to deliver the service to our communities. They've wanted it and we're the government that will do it. That's entirely what differentiates us from other tired and true-tested forms of government.

The Provincial Offences Act is a procedural act which provides that charges under the provincial acts and municipal bylaws can be laid under one of three parts: part I, part II and part III. For the viewer today, I'll just very briefly go over the three parts to clarify what indeed it gives the municipal level of government the power to do, something they've wanted for a long time.

Part I offences relate to certificates of offence or ticketing procedures. Approximately 80% of these part I offences are issued under the Highway Traffic Act. Infractions include speeding up to 49 kilometres per hour over the limit, failing to stop at stop signs — we've heard much about that in the past few weeks — and failure to wear seat belts. These are infractions that are actually ticketed by a police officer or bylaw officer, in some cases parking. That action will result in direct revenue to the municipality. They want it. AMO has wanted it. When I was a councillor I often heard that debate going on.

Other part I offences include minor Liquor Licence Act infractions, such as an open bottle in the car, or being intoxicated in a public place, a nuisance, if you will.

Doesn't it make sense to have the whole trial system closer to where the infraction occurs?

Part II offences are parking tickets. I would clarify that today, as we speak, those functions to a large extent have already been transferred to the municipalities and I think, from all reports, is working very well. There was quite a backlog. You may recall that a few years ago they had to throw all the tickets out because of the Askov ruling. This was almost entirely under municipal control already, as I said.

Part III offences, largely Highway Traffic Act offences, are often more complex and can result in jail sentences upon conviction. Of course those provisions will be left to the province.

The proposed legislation provides that the administrative work and court support for the Provincial Offences Act charges be transferred to municipalities along with the responsibility for tickets, as outlined in part I prosecutions.

It is important to emphasize that Bill 108 makes no changes to law enforcement or adjudication of provincial offences. Police or enforcement officers will continue to lay charges and provincially appointed judges and justices of the peace will continue to decide Provincial Offences Act matters.

It's clear, for those viewing today, what does not change. I felt it was important to outline not just some of the changes, like speeding and that the revenue goes to the local municipality, but what doesn't change. We have to provide uniformity of standards across the province, and of course everyone would agree with the Attorney General that this is a provincial responsibility.

The province retains responsibility for amending legislation, setting standards and monitoring the justice system itself. The province retains responsibility for supporting independent adjudications by provincially appointed and trained justices of the peace. The province retains responsibility for prosecutions of provincial offences under part III of the Provincial Offences Act, as I mentioned before.

A very important thing is that the victim fine surcharge will continue to be remitted by the municipality to the province for the victims' justice fund, which we've initiated to help victims of crime. No one will disagree with that, from any side of the House, I'm sure.

The province will ensure that municipal staff receive training to meet justice standards, including French-language standards and program requirements. The Ministry of the Attorney General will monitor compliance with all aspects, as the Attorney General said here earlier today, transferring agreements including prosecution and administrative functions.

Highlights of the Provincial Offences Act: If we could just go through this very brief, five- or six-page bill, there are a few sections which I think are important to review briefly. The responsibilities proposed to be transferred to the municipality under Bill 108 include the administration of parts I, II and III, prosecutions of part I ticketable offences, and the province will continue to prosecute part III offences, as I said before. Allowing municipalities to prosecute minor ticketable offences will enable the province to focus on prosecuting more serious crimes. We've got to relieve the courts of some of these less significant justice issues.

Since our government remains committed to the victims of crime, Bill 108 provides that fine revenues continue to be subject to the victim fine surcharge. These moneys will be directed to the victims' justice fund, a dedicated fund for providing services to victims of crime. Section 1 of part I amends section 60.1 of the Provincial Offences Act to ensure that fine payments made by a defendant are first credited to the victim fine surcharge fund.

1620

While Bill 108 transfers matters that have local impact to local authorities, it does so with full appreciation of the



needs for consistent provincial standards for the administration of justice. This is why the province, under the proposed transfer, will retain responsibility for setting and monitoring standards to ensure uniform, fair and equitable justice. Let me stress that the maintenance of current standards and the preservation of the integrity of the justice system are fundamental to these transfers.

Under the proposed transfer, the Ministry of the Attorney General will issue clear program standards which all partner municipalities will be required to meet. We will work closely with external and internal legal and academic experts to develop province-wide standards which are contained in a memorandum of understanding signed between the Ministry of the Attorney General and our municipal partners.

These articles include standards for French-language services. Nothing in Bill 108 changes the legal requirements of the official bilingual court system set out in the Courts of Justice Act. This is the falseness of the argument that I am sure will be heard later.

The proposed transfer agreement sets out the requirement for municipalities to provide a French-speaking prosecutor when someone asks for a bilingual trial anywhere in Ontario. And, in the designated areas of the province, municipalities will continue to provide bilingual counter service and telephone service for the courts and the users.

The benefits of Bill 108 clearly outweigh the disadvantages, and I'm going to, for a few seconds, outline those. I'm certainly anxious to hear the comments from the Minister of Agriculture and francophone affairs to summarize the comments today.

The proposed transfer creates a new revenue source for municipalities, as the member for Northumberland has clearly indicated. It's over \$65 million a year. This is an important part of the Who Does What exercise. The proposed transfer was contained in that exercise and we as a province have delivered.

This transfer was designed on consensus-building, and we are working together — the government, the municipalities, both anglophone and francophone, and legal associations — to ensure that the municipalities are ready. Those discussions have been ongoing for the past year.

The proposed transfer makes sense; it makes common sense. It moves matters that have a local impact into the control and accountability of local authorities. By allowing municipalities to prosecute minor ticket offences, municipalities will be responsible for local matters and the province will be able to focus more of its time and resources on more pressing, serious criminal issues.

The government knows that the transfer of the Provincial Offences Act responsibilities works. Four years ago parking tickets were successfully transferred to municipalities, and it works. This is the next logical step in the complete partnership with municipalities and their partner, the government of Ontario. They now handle 90% of those tickets at the local level successfully. This experience has shown that this service can be provided to the public at a lower cost and that there are a number of other benefits to

be gained by involving municipalities more clearly in the justice system. We are now proposing the next logical step. I hope there is no opposition. I'm sure this should pass unanimously.

The government has made a commitment to eliminate government waste and duplication across all issues. If it makes sense, we're doing it. We owe it to you, the taxpayer, to live up to the commitments we made with Bill 108.

With those comments, I mentioned that the minister is going to comment on the French-language parts of the bill, and I'll leave that time for him. Thank you very much for your time this afternoon.

**L'hon. Noble A. Villeneuve (ministre de l'Agriculture, de l'Alimentation et des Affaires rurales, ministre délégué aux Affaires francophones) :** Chers amis, il me fait toujours plaisir de discuter des services en français, que les amendements au projet de loi 108 vont absolument confirmer maintenant.

Il est intéressant de voir que le gouvernement antérieur, quand ils ont transféré les contraventions de stationnement aux municipalités il y a quatre ans, n'a mis aucune garantie pour les services en français à ce moment-là. Il est intéressant de voir qu'après la discussion que nous avons eue jeudi dernier, le projet de loi 17 a été adopté. Je veux féliciter mon ami de Cochrane-Sud pour avoir fait accepter son projet de loi mais, par contre, je crois qu'il est très important, il est absolument important, comme je l'ai mentionné à la réunion de l'ACFO en fin de semaine, que le projet de loi 108 soit passé aujourd'hui avec les amendements qui garantissent les services en français.

J'espère que mon ami de Cochrane-Sud est à l'écoute et qu'il va traiter au sérieux la situation à laquelle nous faisons face dans le projet de loi 108.

Comme je l'ai mentionné samedi dernier, vous savez que le procureur général propose un amendement à ce projet de loi, un amendement qui indique que les protocoles d'entente avec les municipalités couvriront l'obligation — je dis bel et bien «l'obligation» — de fournir les services en français au même niveau que ceux qui existent présentement.

Cet amendement a été proposé par les efforts de l'AJEFO, l'Association des juristes d'expression française de l'Ontario, à mon collègue le procureur général, et endossé par l'AFMO, l'Association francophone des municipalités de l'Ontario, pour absolument garantir que les services en français vont bel et bien être disponibles dans le projet de loi 108.

J'espère que le gouvernement ne sera pas forcé d'adopter la Loi 108 cette semaine sans l'amendement. J'espère que vous allez agir au sérieux et desservir votre population francophone avec les amendements, les amendements qui sont recommandés fortement par l'AJEFO et l'Association francophone des municipalités de l'Ontario. Ce n'est pas le choix de mon collègue le procureur général; ce n'est sûrement pas le choix de l'AJEFO et de l'AFMO, qui font des efforts de «lobbying» considérables auprès de l'opposition pour éviter que le travail d'un an ou plus soit réellement mis de côté. Ce sont des obstructions

avec des buts politiques, avec des intentions politiques qui ne desserviront pas les gens que M. Bisson veut desservir.

J'ai ici, transmis par télécopieur, une correspondance signée par M<sup>e</sup> Tory Colvin, représentant de l'Association des juristes d'expression française, et je cite de sa correspondance :

«Nous maintenons ce que nous avons écrit au procureur général, le 7 mai 1998 : dans la mesure où il y a, par référence dans la loi, incorporation de la partie de l'entente (entre le procureur général et une municipalité) au sujet de l'audience équitable, le compromis est acceptable pour notre organisme car il renforce les recours aux tribunaux qu'ont les citoyens en cas de violation de leurs droits linguistiques.»

«L'avis de M<sup>e</sup> Beecroft apporte...une dynamique» assez intéressante....

«Ce que le gouvernement nous a indiqué, c'est que les droits linguistiques sont incorporés au concept d'audience équitable dans la partie de l'entente qui pourrait être plaidée, selon la modification apportée au projet de loi par le gouvernement.»

Alors, je plaide ma cause et je vous dis tout simplement, mes chers amis : laissez-nous l'occasion d'inclure l'amendement dans le projet de loi 108. C'est pour renforcer les besoins linguistiques qui se font sentir à travers la province de l'Ontario.

En terminant, je veux tout simplement rappeler que si le projet de loi 108 passe sans l'amendement, ce sont les francophones de l'Ontario qui vont être les perdants, les grands perdants. Encore une fois, je demande à mes collègues de nous appuyer.

Merci infiniment.

1630

**The Acting Speaker (Mr Bert Johnson):** Further debate?

**Mr James J. Bradley (St Catharines):** Thank you, Mr Speaker, for the opportunity to speak on this time allocation motion this afternoon. The time allocation motion is one which I regret is before the House again, because it demonstrates that this government is dealing almost exclusively with time allocation motions.

For those who are watching at home, a time allocation motion is a closure motion, a motion which chokes off debate on a piece of legislation. What used to be an exception, what used to be a rarity in this chamber, in this provincial Parliament, that is, the use of closure to end a debate or the use of a time allocation motion to restrict and limit debate, is now commonplace in this Legislature. That's most regretful, but I must say it reflects very well the style of the Mike Harris government.

We should know that the procedural rules of this chamber have been changed considerably to favour the government side, to once again restrict the opposition in its ability to provide constructive criticism, to provide alternative suggestions, to point out weaknesses in legislation and to try to improve that which is presented to the House for consideration.

The government has moved a time allocation motion which is significantly different from others in that on this

occasion, with this motion, it will terminate any effort at what we call third reading.

There are three readings of a bill, which members of this House will know; perhaps not everyone at home. The first reading is routine. It often goes through, in fact almost always goes through, without even a vote, because that is the introduction of the bill, ordinarily by a minister though on occasion by an individual member when the time allows for it.

The second reading is a debate on the general principles of the bill. It is a wide-ranging debate which allows members of the House to carefully analyse the contents of a bill, to examine the ramifications for the province and, for those in opposition particularly, to point out the weaknesses in the legislation or at least to provide alternative arguments to those provided by the government when it tries to justify the presentation and passage of such legislation.

Second reading debate I believe should range up to many days. On some occasions, it certainly may last one or two days if it is a bill of little significance or a bill which is not contentious. Unfortunately, what the government has now seen as the maximum number of days for debate — and a day is really an afternoon or an evening; it's not a complete day as we think of it, a 24-hour day. The government has now decided that three days is sufficient for any bill.

It might well be that for some pieces of legislation three days is sufficient. But for many pieces of legislation which are introduced in this House, and often legislation which is rather reckless, rather pronounced in its ramifications, the debate should go on for several days, for a couple of purposes: so that those in government can hear and react to the objections of the opposition; and as important, so that the public who follow this through the news media or, in this case, through provincial television, have an opportunity, through the Legislative Assembly channel, to listen to the various debates, to hear about aspects of the bill and to come to its own judgement. This government is restricting that.

The government House leader, the member for Carleton, will say there is plenty of time. Our answer to the government House leader is that the government could have called the House back into session. Not many of our constituents would know that the provincial House, the Legislative Assembly of Ontario, was in recess — that is, it did not sit in session — from late December until very late April. All of that time was available for debate in this House. If the government saw fit, it could have called the House back in January, February, March or early April to debate important bills, if it had important bills to bring forward. Instead, the government chose to wait almost until May was upon us and then to try to rush its legislation through with a series of time allocation motions which, as I have explained, choke off debate in this House.

One could certainly not accuse this government of being overly democratic; it of course has been exactly the opposite. It has, in my view and I think the view of many



objective observers, been a government which is more interested in ramming its legislation through as is than it is in getting it right. In other words, it wishes to hurry legislation, not look at the ramifications of that legislation, not look at the impact and not analyse it to the extent that it doesn't have to make amendments along the way.

This particular bill that we're dealing with, as I explained — Madam Speaker, I know you will be chagrined by the fact that there is no provision for third reading. Because after the bill comes out of committee of the whole and is dealt with there — committee of the whole is for the purpose of making amendments and passing the bill on a clause-by-clause method — there should of course be provision for third reading. Unfortunately, there is not.

If you think carefully of the first inclinations of how undemocratic this government was going to be, how bullying it was going to be, you have to go back to Bill 26, which was a major piece of legislation introduced by this government in late 1995. Premier Harris wanted the bill to go through before Christmas with a minimum of debate, despite the fact that it amended or changed in some way some 47 acts of this Ontario Legislature. The government wanted to push it through without province-wide hearings.

To point out how that deals with the democratic process in this House, you will know that bill established the hospital restructuring commission or, as I would prefer to call it, the hospital destruction commission, in this province. That was part of that bill where the government started to show its pattern of wanting to rush legislation through with a minimum of debate and a minimum of consideration by the people of this province through the committee system, where there could be public hearings in various communities.

We have seen the results of that. We have a restructuring commission which goes around this province closing hospitals; that has really been its role. There have been 35 hospitals either closed or forced to merge with other hospitals in this province. That despite the fact that in May 1995, during the leaders' debate during the provincial election campaign, Mike Harris, the leader of the Conservative Party at that time, was asked what effect his health policies would have. He was asked if these health care policies would mean any hospitals would be closed.

*Interjection.*

**Mr Bradley:** My friend from Scarborough East, who interjects, will know what the answer was. The man who is the Premier today, Mike Harris, that day said to Robert Fisher, who was the questioner, "Certainly, Robert, I can guarantee you it is not my plan to close hospitals." Yet across Ontario we have seen hospitals close. That was part of Bill 26, which demonstrated the beginning of how this government was going to deal with procedural matters in this House. That was a huge, massive omnibus and omnibus budget bill which really drastically increased the powers at the centre, the powers of the unelected people and some elected people, those being certain members of the cabinet.

As a result, some of the other members of the Legislature, on the government side particularly, have had no say. They've had to listen to Guy Giorno, who is the guru of gurus, 33 years of age, with all the answers. I think he was 29 when he first came around here. Someone who knows him will tell me; I think he's 31 now. He has just had a birthday, as a matter of fact. He has all the answers, he and the backroom people. I can't say "the backroom boys," because there are some female people there too. So it's the females and males in the smoke-filled back rooms of the Conservative Party and the Conservative government who are really making these decisions.

In fact, the member for Scarborough East, when he was president of the Conservative Party at the age of 19, I think it was, some age like that, because that's when the YPCs take over, had more power then than he has today within the Legislative Assembly.

I said that of, if I can use the name, Tony Clement, which is what he was called in those days. Now he's the Honourable Tony Clement, Minister of Transportation, the member for Brampton South. I said to him the other day in this House — the member for Oakville South will know this — that the member for Brampton South had more power when he was a whiz kid than he has today. Even though he's in the cabinet, he's in the outer fringes of the cabinet and therefore he doesn't have that power. But he's part of a cabinet that decides when there are going to be time allocation motions brought before the House.

1640

Here we have a bill that downloads more responsibilities to municipalities, but this one has a carrot in it. It says if you are like — what's a backwoods place in Georgia? I never travel in the south.

**Hon Margaret Marland (Minister without Portfolio [children's issues]):** Louisville.

**Mr Bradley:** In Louisville, Georgia —

**Interjection:** Marietta.

**Mr Bradley:** — Marietta, all those places, what they have there are these small police forces that wait at the bottom of the hill, I'm told, as the cars are coming down, and the speed limit changes at the bottom of the hill.

**Mr Gerry Martiniuk (Cambridge):** Niagara Falls.

**Mr Bradley:** The member for Cambridge is correct. I understood the other day that in fact there were several provincial police cars catching people where the speed limit changes just going into Niagara Falls, because somebody phoned me and asked if that was part of Georgia. At that time I said no, it couldn't be. There was probably a good reason for that happening.

But what happens is you are providing an incentive for municipalities now to use the forces that they have for fund-raising activities as opposed to dealing with true crime. I know that our police officers in this province would rather be trying to break the drug-dealing rings and catch murderers and thieves and people who are committing real crimes than be bothered with those kinds of activities which simply generate revenue for the municipality. I have a concern that when you turn that over to municipalities that are strapped for funds because of the

downloading of responsibilities of this government, somehow those municipalities may find it attractive to get involved in activities which will generate funds through the provincial offences system.

I hope it doesn't happen, but the temptation is going to be out there with the dire straits in which you have placed most municipalities. Parry Sound is excluded, because I understand they got some additional special funding from the provincial Treasurer for their police forces, and that's purely coincidental. It's as coincidental as Waterloo not getting any hospitals closed — where the Minister of Health is.

You may want to know this, Madam Speaker. We had the hospital destruction commission in St Catharines last week. A few of the representatives were there, and they were lurking. They were flying around like vultures waiting to see what hospital they could pluck and take away from the people of our community or how they could force some mergers, lift one hospital from here and place it over here and force a merger.

**Mr Tom Froese (St Catharines-Brock):** They're listening.

**Mr Bradley:** The member for St Catharines-Brock says they're listening. He had a wonderful ad in the newspaper the other day. I clipped it out because some people wanted to see that. I hadn't seen it, but somebody had seen it.

**Hon David Turnbull (Minister without Portfolio):** Madam Speaker, on a point of order: I am at a total loss to know what the present comments have got to do with the matter at hand.

*Interjections.*

**The Deputy Speaker (Ms Marilyn Churley):** I understand in time allocation motions it's pretty free-wheeling and broad, but I would ask the member perhaps to come back to the time allocation motion.

**Mr Bradley:** I will get back to that, but I know my friend from York Mills will want me to finish this part of it. I saw him walking, by the way, in the downtown area of York Mills one Saturday when I was driving through there. I saw the member walking right down the main street of his riding. In fact, I have seen him in Port Dalhousie, because he is quite an expert on rowing. It's in the family, and I want to say —

**Hon Mrs Marland:** He is not such an expert in the —

**Mr Bradley:** Not nearly so much as the member for Mississauga South, who has —

**The Deputy Speaker:** Member for St Catharines, I do have to wonder what this has got to do with the time allocation motion.

**Mr Bradley:** The member for Mississauga South has had Olympic aspirations within her family and some degree of success in rowing that has been achieved within her family. I wanted to put that on the record.

**Hon Mrs Marland:** A gold medal.

**Mr Bradley:** A gold medal. You can't go higher than a gold medal.

I'm just trying to respond to the members over there on some of these matters. I know that I have a couple of

colleagues who want to get into the time allocation motion and how it affects this bill.

Where was I? I was on the hospital closing commission. I am very concerned. The member for St Catharines-Brock got out his bowl, like Pontius Pilate — is it fair to say that, Tom? — and he washed his hands and said, "If they close any hospitals, it's going to be the big bad commission." Poor Tom, my friend, wouldn't be in that position if it wasn't for Bill 26. That's why I tried to save him from Bill 26. That's why I tried to save the government from Bill 26.

You'll remember that the government wanted to ram that through. Time allocation is what they had in mind in those days. They wanted to put all of these things into one bill, and that would be enough to have the member for Scarborough West out protesting, walking with the protesters, or to have the member for Scarborough East at the GO Transit station protesting against his own government's downloading. But I digress and I shouldn't digress.

**Hon Mrs Marland:** No, but it's interesting.

**Mr Bradley:** I'm glad the member said that.

Our member for Downsview, Ms Castrilli, offered what I thought was a clear, concise, commonsense amendment that would allow this government to deal with legislation in a very good way. She offered this amendment, supported by members of the Liberal caucus, that would have allowed the opportunity for all of us to have this legislation passed and implemented, and the government rejected that amendment.

My colleagues from Prescott and Russell and Ottawa East are going to elaborate on that, because I don't want to spend an undue amount of time dealing with the procedural matter alone. I simply want to say that this is one more example of Mike Harris getting in the seat of the bulldozer and driving that bulldozer across the Legislative Assembly and across the democratic process in this Legislature.

Now I turn to my colleagues the member for Prescott and Russell and the member for Ottawa East, who will elaborate and provide us with the kind of detail that all of you are waiting for with bated breath.

**Mr Bernard Grandmaitre (Ottawa East):** I want to congratulate the member for St Catharines, because Jim is always interesting and he brought to light why this government is forever asking for time allocation, or closure, as he said.

Bill 108 is a very interesting bill. I think it's a trial balloon for the government because this is not the first time or the last time we're going to have this debate; not on Bill 108 but on French services. I would like to take my seven or eight minutes to, let's say, compliment, if I could use the word "compliment," the minister for francophone affairs. I'd like to comment on his speech.

Le ministre des Affaires francophones, M. Villeneuve, tantôt a mentionné que finalement l'Association des municipalités de l'Ontario et l'Association des juristes d'expression française de l'Ontario étaient d'accord avec les amendements proposés qui sont ajoutés à la Loi 108.



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Par contre, qu'est-ce que M. Villeneuve, le ministre des Affaires francophones, a oublié de mentionner ? C'est que l'association des juristes, aussi bien que l'association des municipalités et l'ACFO, ont pris des mois et des mois à négocier les changements apportés dont le ministre des Affaires francophones est joyeux de nous dire aujourd'hui que finalement tout le monde a compris. Laissez-moi vous dire que les associations que je viens de mentionner, si ces associations n'avaient pas fait le travail et si l'opposition n'avait pas fait le travail que nous avons fait — aujourd'hui nous ferons face à une attribution de temps : « Limiter le débat, et même pas de troisième lecture. Passons donc au vote. Allons en avant. »

Le ministre des Affaires francophones ne peut pas se frapper dans l'estomac en disant : « Le gouvernement va en avant. » Le gouvernement va en avant aujourd'hui à cause des pressions de l'AFMO, de l'ACFO, de l'AEFO, de tous ces gens-là qui se sont aperçus dès le début que la Loi 108 ne répondait pas aux attentes des francophones. D'autres vont nous dire qu'ils ont des avis légaux, que la Loi 108 ne répond pas encore, ne garantit pas les services en français aux francophones. Je ne suis pas un avocat, je ne peux pas vous donner un avis légal. Mais je peux vous donner mon avis, et la peur, l'inquiétude que j'ai présentement de voir un gouvernement qui est dédié d'aller en avant avec très peu de consultation avec la communauté francophone, ça m'inquiète.

Il faut les ramener vers le centre à chaque fois qu'on présente un projet de loi qui oublie la communauté francophone, chose qu'on ne devrait pas faire. Nous avons un représentant, un ambassadeur des services en français, et c'est le ministre des Affaires francophones. Il doit être vigilant, il doit guetter le gouvernement lorsqu'il présente un nouveau programme comme le déstage des programmes d'aujourd'hui et d'autres demain. Que ce soit dans le logement, dans le domaine de la santé, dans le domaine des ambulances, nous allons faire face aux mêmes débats.

Moi, j'offre un petit avis au ministre des Affaires francophones, et pourquoi ne pas l'inclure dès maintenant dans un projet de loi, quant au déstage de services : que dorénavant les services en français seront automatiquement inclus. Si le gouvernement veut hâter le processus, il peut le faire en incluant dans le projet de loi que les services en français sont garantis dans tous les domaines, dans tous les programmes que le gouvernement a l'intention de déléster aux municipalités. Pourquoi ne pas l'avoir fait dès le début ? Mais non, il faut rappeler la mémoire au gouvernement : « Vous avez oublié quelque chose. »

Maintenant peut-être que M. Villeneuve n'a pas écouté le Conseil des ministres. Pourtant, il est assez pesant, si je peux me permettre le mot « pesant », qu'on devrait l'écouter. Mais non, on passe par-dessus le ministre responsable des Affaires francophones. Il n'a pas trouvé les moyens de convaincre le Conseil des ministres que nous, la communauté francophone en Ontario, avons besoin des services garantis. Nous voulons faire confiance au gouvernement, mais on oublie trop souvent. Peut-être que je me répète,

mais je voudrais que le ministre des Affaires francophones quitte ce soir et qu'il dise au Conseil des ministres librement que dorénavant pour chaque programme, chaque projet de loi présenté en Chambre, on doit reconnaître les services que nous avons présentement sous la Loi 8. On ne peut pas obliger les municipalités à offrir des services en français, alors qu'on fasse les modifications nécessaires pour que les services en français soient garantis dans tous les programmes et dans tous les projets de loi.

On peut en discuter. Comme mon collègue de St Catharines a mentionné, M<sup>me</sup> Castrilli, la critique de ce projet de loi, avait offert des amendements en deuxième lecture. Mais on les a oubliés, on les a mis de côté. C'est pour ça encore aujourd'hui qu'il faut défendre la même chose. Il faut répéter la même chose jour après jour. On oublie la communauté francophone.

Alors, je vais céder ma place à mon collègue de Prescott et Russell parce que je suis sûr qu'il pourra vous parler beaucoup plus longuement sur le projet de loi 108.

**Mr Jean-Marc Lalonde (Prescott and Russell):** Tout d'abord, je veux féliciter mon collègue d'Ottawa-Est ainsi que mon collègue de St Catharines pour ses interventions sur ce projet de loi.

I refer to some of the articles that I read from newspapers like the London Free Press:

"This is not a small matter. French-speaking Ontarians deserve to have their day in court in the official language in which they are most comfortable.

It is not a favour to francophones to provide that service. It is something they are entitled to."

This is the London Free Press, and I just wonder if they are supporting the Liberals, the NDP or the Conservatives.

This goes on: "The association is right. Now is not the time to weaken official language rights in our province. To do so would be to open the door for Quebec Premier Lucien Bouchard to gain more fuel for his separatist fire.

Ontario should not be a party to that. Nor should it be party to denying francophones their rights in this province."

I go to the Toronto Star which was published on May 4:

"If Canada is to have a future, English and French must not only respect each other but take care of each other.

Eroding existing rights would send the worst sort of signal at a time when the separatists remain a threat.

If French-language services do falter, pressure will grow to declare Ontario officially bilingual, making all court and government services available in both languages.

Canada's most populous, richest province must not expose itself to the charge that it is chipping away at the very francophone rights it professes to care about."

Lorsque nous regardons ces deux articles des journaux de la semaine dernière, cela demande que non seulement nous, les francophones, sommes inquiets du contenu de ce projet de loi. Même les journalistes anglophones qui ont un haut respect pour les francophones de cette province reconnaissent les droits des francophones, mais nous, ici à la Chambre, sommes portés à oublier que le Canada est

fondé par les francophones et les anglophones qui ont toujours voulu travailler ensemble, mais aujourd'hui nous voulons peut-être faire une division, division qui peut être un peu inquiétante. Je regarde un pamphlet que j'ai reçu à mon bureau aujourd'hui de l'APEC, qui voudrait avoir tous les francophones disparaître de l'Ontario, mais je crois que lorsque je lis les journaux comme le *Globe and Mail* de temps à autre, et le *Toronto Star* ainsi que le *London Free Press*, c'est là que l'on reconnaît que les anglophones de cette province reconnaissent que l'on doit respecter les services ou les droits des francophones.

C'est bien beau de dire que nous allons garantir aux francophones de cette province les services lorsque le transfert sera fait aux municipalités. C'est vrai que l'on a eu des lettres de l'ACFO, de l'AFMO, de l'Association des juristes de l'Ontario, mais même si le ministre des Affaires francophones nous dit qu'il a reçu l'appui de ces organismes, je me demande pourquoi nous avons reçu tant de correspondance de ces organismes qui nous disent de faire très attention pour nous assurer que nous défendons la cause des francophones.

Je regarde ici une lettre qui est adressée à mon confrère M. Grandmaître le député d'Ottawa-Est, que les programmes offerts par les municipalités devront garantir les mêmes droits. Oui, c'est vrai, mais lorsqu'on a reçu la correspondance, ou le ministre ou le procureur général en a reçu de l'ACFO, de l'AFMO ainsi que de l'AJEFO et de l'association des juristes de langue anglaise de l'Ontario, nous n'avons jamais mentionné que la «schedule» que nous avons présentée, qui est assez volumineuse, ne ferait jamais partie de ce projet de loi, et toutes ces associations sont sous l'impression que l'annexe fera partie du projet de loi. La seule chose qu'on dit dans le projet de loi, c'est qu'on devrait avoir une entente avec les municipalités. C'est bien vrai actuellement. Nous avons 23 régions de l'Ontario qui sont désignées bilingues. C'est parce que nous remplissons les critères qui ont été établis, soit les 10 000 personnes, ou le 5 % — monsieur Grandmaître, mon collègue, 5000 personnes ?

*Interjection.*

1700

**M. Lalonde :** Oui, 5 % ou 10 000 personnes, c'est ça. Lorsqu'on a atteint ces objectifs-là, les critères, la région peut être déclarée une région bilingue. Mais jamais, jamais on n'a voulu rassurer les francophones ou les associations telles que les trois associations mentionnées auparavant. Ils sont toujours sous l'impression que cette clause-là fait partie de l'entente.

J'ai des lettres ici qui ont été adressées à plusieurs personnes, dont l'honorable Charles Harnick. Je regarde le troisième paragraphe. On nous dit, «...au maintien des droits et acquis, mais aussi leur créativité en insérant dans leur projet de loi et leur protocole d'entente des formulations d'amendements proposées par l'Association des juristes d'expression française.» Madame la Présidente, nous avons complètement omis d'inclure cette partie dans le projet de loi.

Je regarde ici une lettre de l'Université d'Ottawa, signée par le professeur Martha Jackman. Elle dit ceci à propos du projet de loi 108 :

"I write in support of the amendment of Bill 108, the streamlining of Administration of Provincial Offences Act, 1997, to include a provision which ensures continued access to French-language judicial services, including those transferred to the municipal level."

Again, we have forgotten to include that.

"Access to judicial services in both official languages is a basic right of citizens of Ontario. It will be most unfortunate if Bill 108 had the effect of impairing this important right."

This was written by Professor Martha Jackman.

Then I got another one from barrister and solicitor firm Stikeman, Elliott:

"Bill 108, which proposes to transfer some provincial court procedures to municipalities, has no provision to ensure that French language rights are protected. As you are aware, minority language rights are an important concern to the citizens of Ontario. Francophone citizens of Ontario must be entitled to judicial services in both official languages if these services are devolved to the municipal level. It is necessary to insert a clause in Bill 108 protecting francophone linguistic rights."

This is not a francophone lawyer's office.

Then I go to Marc Duguay, from Toronto, a barrister and solicitor:

"I do trust you will see fit to intervene and correct the bill to ensure that French services continue to be made available to Ontario's francophone minority. Ontario must continue to lead the way of tolerance and political maturity in the matter of French services."

"At this moment in our history, with our own country at stake, we need to unequivocally affirm our collective desire not to turn back the clock on the wonderful progress we have made."

Another, from ADR Chambers, says:

"There is widespread concern in the francophone community that Bill 108 inadvertently omits protection of existing rights to access to justice in the French language."

"I join with many others in urging you to ensure that the oversight is corrected before the bill becomes law."

I could go on. These are all letters that we received from different law firms. Here is the association des juristes de l'Ontario :

«Nous souhaitons donc que, suite à une intervention de votre part, les membres de l'Assemblée législative reconnaissent la pertinence d'une clause de maintien de droits linguistiques et qu'ils acceptent de modifier en conséquent le projet de loi.» Encore une fois, on semble avoir oublié d'apporter des corrections.

Donc, il y a plusieurs groupes qui sont inquiets de voir que nous anticipons passer ce projet de loi qui va transférer des responsabilités majeures aux municipalités. C'est peut-être vrai que les municipalités sont prêtes à accepter les argents que l'on veut nous transférer, les amendes que l'on va pouvoir émettre afin de rembourser, remplir les coffres des municipalités.



Je regarde la circonscription de Stormont, Dundas et Glengarry, dont le ministre des Affaires francophones est le député. Ils vont recevoir 722 000 \$ d'après les rapports qui ont été préparés par le gouvernement. À Prescott et Russell, ils vont recevoir 544 000 \$. C'est bien beau de dire qu'ils vont recevoir des argents, mais à quel coût ? Est-ce que nos municipalités vont pouvoir se permettre d'entreprendre les dépenses afin de s'assurer à ce que les services qui étaient couverts par la Loi 8 soient retransmis ou deviennent la responsabilité des municipalités ?

«On doit respecter la Loi 8.» Je ne crois pas, madame la Présidente. Est-ce que les municipalités sont prêtes à venir à une entente avec le procureur général pour dire : «Nous allons signer une entente pour nous assurer à ce que les services en français puissent continuer à être donnés dans les secteurs des 23 régions ontariennes» ?

Cela inquiète tous les francophones de l'Ontario, et non seulement les francophones. Même les journalistes anglophones du sud de l'Ontario et d'ici-même à Toronto nous disent d'être sur nos gardes, qu'on doit inclure dans ce projet de loi-là la référence de la «schedule» qu'on nous a donnée. Comme j'ai dit, c'est un document qui comprend une cinquantaine de pages.

Je sais qu'on ne peut pas l'inclure toute, mais je soupçonne que les associations n'ont pas reçu ça, parce que je regarde le document et c'est bel et bien décrit. C'est une ébauche de l'entente des municipalités, mais c'est écrit «Confidentiel». Lorsque je vois le mot «Confidentiel» sur un document — en anglais c'est «Confidential Draft» — est-ce que les associations ont vu ce document ? Est-ce que c'était seulement réservé aux membres de l'Assemblée législative ? Je me pose la question. Si nous ne voulions pas que ce document-là soit confidentiel, on aurait certainement retiré le mot «Confidentiel», qui est inscrit sur chacune des pages de ce document.

Même maintenant il va falloir commencer à faire des recherches, parce que je ne l'ai obtenue qu'aujourd'hui, cette copie-là. Puis encore là je suis de plus en plus inquiet du fait que le gouvernement voudrait procéder immédiatement avec la troisième lecture de ce projet de loi aujourd'hui en Chambre.

Ceci termine la présentation que j'ai à vous faire. J'espère que le gouvernement va se pencher sur leur position et qu'ils vont avoir un haut respect pour ceux de la langue française afin de s'assurer que la langue des Canadiens français de cette province soit respectée selon les mentions de la Loi 8.

**M. Gilles Bisson (Cochrane-Sud) :** J'aimerais mettre sur le record les notes suivantes faisant affaire avec le débat sur la Loi 108. Mais je veux expliquer, pour les membres de l'Assemblée qui n'ont pas suivi ce dossier de très près, exactement ce qui se passe, l'historique du dossier, pour mieux comprendre où on se trouve aujourd'hui.

Très simplement, le gouvernement a décidé de transférer certaines offenses provinciales aux municipalités. Ça veut dire que dans le futur, si le projet de loi passe, les municipalités de Timmins, Sudbury, Windsor, Toronto, n'importe lesquelles, vont avoir le droit d'aller rechercher

de la province l'habilité de contrôler les offenses provinciales dans leurs municipalités. Ça veut dire qui si la police municipale arrête quelqu'un pour la vitesse ou une autre offense provinciale, la municipalité a place de charger la personne et d'envoyer l'argent collectionné sous la charge provinciale à la province et la municipalité va avoir le droit non seulement de donner les billets mais elle va avoir le droit de garder l'argent.

Sur ce point-là, je veux être très clair au commencement du débat : le NPD n'a aucun problème avec cette habilité des municipalités d'aller le chercher de leur gouvernement provincial. Ça fait du bon sens. C'est quelque chose que nous avons fait, faisant affaire avec les contraventions de stationnement en 1992, qui était transféré par notre gouvernement de la province de l'Ontario aux municipalités.

Le problème est ceci. Présentement, si on se fait donner une contravention provinciale, en d'autres mots on se fait arrêter par la police puis on se fait donner une contravention de vitesse et on dit : «Eh, une minute. Je ne pense pas que je dois me faire donner ce billet. Il y avait des circonstances pour une raison ou une autre. Je vais aller en cour pour plaider ma cause, parce que je me trouve innocent.» présentement, sous le projet de loi Courts of Justice Act, qui traite de la question des offenses provinciales, on a un droit acquis comme francophones de demander que le procès soit en français, pas de question.

La loi existante va aussi loin que, si moi comme francophone vais plaider en cour et le juge dit : «No, we don't speak French here,» j'ai le droit comme francophone de dire : «Arrêtez le procès toute de suite. Je ne vais pas aller plus loin. Je vais avoir un procès en français,» et la cour doit arrêter le procès et le donner en français. C'est un droit acquis.

Le problème avec le projet de loi 108 est que le gouvernement dit : «On veut transférer le droit d'actionner les infractions provinciales aux municipalités,» mais une fois qu'on transfère le service, tel que la loi était écrite au commencement sans amendement, il n'y aurait aucun recours aux francophones d'avoir leur droit respecté en français. En d'autres mots, si la projet de loi passe tel quel sans amendement, un francophone qui s'est fait donner une contravention provinciale par sa municipalité, comme une contravention de vitesse, va aller se pointer en cour municipale et il ne va pas avoir le droit de demander les services en français à la cour, même jusqu'au point où la cour elle-même va être faite en anglais sans aucune considération légale comme cela. C'est là que tout ce débat-là a commencé.

Mon bon ami Rosario Marchese de Fort York, mon autre bon ami Tony Silipo de Dovercourt et autres ont indiqué, quand ce projet de loi était en comité législatif à l'Assemblée au gouvernement : «Une minute. On a un problème.» On n'a pas de problème à transférer des services, mais il faut donner des garanties à ce que des services en français soient respectés. Nos collègues, avec M<sup>me</sup> Castrilli, qui était au comité, a pointé ce fait au gouvernement. C'est pour cette raison qu'on a proposé un

amendement au comité législatif une fois qu'on s'est aperçus qu'il y avait un problème avec le projet de loi.

Le gouvernement a refusé, et quand on a demandé la question au procureur général et au ministre délégué aux Affaires francophones — si vous vous rappelez, j'ai demandé la question spécifiquement à ces deux ministres-là. J'ai dit : «Écoutez. Comprenez-vous que les services pour les francophones ne vont plus être garantis avec la Loi 108 telle que vous l'avez proposée dans ce temps-là ?» Ils m'ont dit : «Non, ne vous inquiétez pas. Les services aux francophones sont garantis. C'est vous qui êtes en train de faire des bruits pour rien, en essayant d'inventer une problème qui n'existe pas.» On s'est fait traiter comme on ne savait pas de quoi on parlait.

Ce qui est arrivé à ce point-là avec une stratégie qui était développée par mon chef et autres dans notre caucus, on a décidé que c'était assez important pour notre caucus, comme c'était pour l'autre caucus, celui de M<sup>me</sup> Castrilli, de trouver une manière pour faire le point au gouvernement qu'on n'allait pas accepter ici en Ontario l'érosion des services en français. C'est pour cette raison que j'étais fier, comme membre du caucus NPD, d'introduire un amendement une fois que le projet de loi est venu au comité plénier — committee of the whole — qui était très clair et très simple. L'amendement que j'ai proposé dit seulement que, si la province décide qu'ils vont transférer la responsabilité des offenses provinciales aux municipalités, que des droits et des services en français soient garantis tels qu'ils existent en loi aujourd'hui. C'est bien simple. On a proposé cet amendement au procureur général durant le débat au Comité plénier, et le procureur général n'a pas accepté. Il a dit : «Non, c'est vous autres qui êtes en encore train d'aller courir une obstruction. Vous êtes en train encore, l'opposition, de parler sans savoir de quoi vous parlez.» On s'est fait traiter comme on ne savait rien de quoi on parlait.

On a continué l'opposition. Une bonne affaire, parce que tout à coup le gouvernement a commencé à réaliser, «Houp, on a un problème.» Tout à coup le gouvernement a réalisé que, le NPD et autres membres de l'opposition avaient raison. Avec le transfert de services tel qu'ils existaient sous la Loi 108, les droits des francophones ne seraient pas respectés une fois qu'on transfère les services des offenses provinciales à travers la Loi 108. Et parce qu'on avait fait l'obstruction, oui l'obstruction et j'en suis fier, le gouvernement a commencé à négocier avec nous et avec l'AJEFO, pour trouver une manière d'être capable de répondre aux préoccupations que moi, dans le caucus NPD, et autres avons soulevées quand ça vient à la protection des services en français. C'était très honnête, notre obstruction. Avec cette obstruction, on était capable, à travers l'AJEFO, d'essayer de négocier un amendement à la législation de la Loi 108 qui dit que les services en français doivent être protégés.

Finalement ce printemps — je ne me rappelle pas exactement la date, je pense que c'était à la fin du mois d'avril ou le commencement du moi de mai — le gouvernement a communiqué avec moi, et avec l'AJEFO. Il proposait un amendement qui, selon le gouvernement,

protège les services en français tels qu'ils existent comme c'est là avec la loi existante. Puis, quand j'ai entendu dire — j'étais à la réunion des chefs parlementaires quand j'ai été communiqué cette information. Moi, j'ai dit au chef parlementaire, comme j'ai dit au ministre délégué aux Affaires francophones et au procureur général, si votre amendement dit ce que vous dites, je suis fier et je vous donnerai notre support, et j'irai même dehors pour dire que le gouvernement conservateur a fait la bonne affaire. J'étais préparé à donner le crédit plein, parce que, moi, j'ai communiqué, j'ai été très direct. J'ai dit que je suis préparé à sortir et à dire : «C'est toute l'idée du gouvernement. N'acceptez pas mon amendement à moi, qui est clair, écrivez le votre si vous êtes plus contents. Et je vais vous donner en le crédit plein.» Ce qui est important pour moi et mon caucus, comme pour l'autre caucus, c'est qu'on veut protéger les droits linguistiques des francophones.

Puis, ce qui est arrivé, c'est qu'on a eu l'amendement, j'ai eu la chance de le lire pour la première fois plus tard dans l'après-midi de cette journée-là quand on m'a donné une copie. J'ai lu l'amendement. Je vais vous le lire, il dit — pour comprendre comment ça marche, dans la section 164 de la loi — je vais lire comme c'est là, «Aucune instance n'est invalidée pour le seul motif qu'une personne n'a pas observé l'entente.» Ça veut dire que le gouvernement nous proposait qu'ils étaient en faveur d'écrire dans l'entente qui va être signée entre la municipalité et la province pour garantir les droits et services en français que le gouvernement a indiqué qu'il voulait donner des garanties à travers l'entente. Autrement dit, la municipalité et la province allaient signer des ententes qui disent qu'on va garantir les services en français. Le gouvernement nous donne un amendement, puis l'amendement nous dit, «Without limiting the generality of subsection 3, that subsection does not preserve the validity of the preceding, if the failure to comply with the agreement results in the prejudice of the defendant's right to a fair hearing.»

Quand j'ai regardé cet amendement, j'ai dit, «Le gouvernement me dit qu'il veut protéger les services en français. Ils disent tous les beaux mots, il semblerait qu'ils sont sérieux.» Mais quand je lis l'amendement — pourquoi c'est si compliqué ? Pourquoi le langage est-il écrit d'une manière qui n'est pas claire, d'une manière même qui est ouverte à l'interprétation devant les cours ? Il y a quelque chose qui ne marche pas avec ça.

Alors, j'ai communiqué avec le conseil législatif de la province de l'Ontario. Je leur ai envoyé l'amendement que le gouvernement m'a donné avec l'entente qu'ils veulent signer avec la municipalité, et j'ai dit que j'allai demander au conseil législatif de l'Ontario de m'écrire une opinion légale faisant affaire avec cet amendement. J'ai dit, si cette opinion revient disant que les droits sont protégés, je vais donner mon support au gouvernement, que le caucus NPD va louer l'amendement à passer.

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On m'a donné une réponse de la part de M. Beecroft du conseil législatif daté le 12 mai 1998 — je ne vais pas



tout lire ; la décision est assez longue. Ce qu'elle dit à la fin est intéressant.

"In other words, failure to provide a bilingual prosecutor in accordance with the agreement might not invalidate a proceeding in every case." En d'autres mots, si on ne donne pas un procès en français, ce n'est pas nécessaire — la personne peut invalider le procès lui-même.

"But it would invalidate a proceeding if the failure resulted in prejudice to the defendant's right to a fair hearing. The issue of whether the right to a fair hearing was prejudiced would depend on the particular circumstances of the case. It might be relevant, for example, whether a French-speaking defendant was also fluent in English. It might also be relevant that in provinces like Ontario, with residents who speak many different languages, it is not unusual for a defendant to be prosecuted by a prosecutor who does not speak the defendant's language.

Une minute, là. J'ai reçu cette opinion. Un point qui est important est que cette opinion légale écrite par le même bureau qui a écrit l'amendement pour le gouvernement. Le gouvernement a demandé un amendement à ce bureau. C'est le même monde qui écrit les amendements pour le gouvernement que pour l'opposition, et l'opinion légale du bureau des conseillers législatifs est le monde à Queen's Park qui écrit des lois. L'opinion est revenue en disant : «L'affaire n'est pas claire. L'amendement est ouvert à l'interprétation qui suit. Je vais essayer de l'expliquer d'une manière aussi simple que je suis capable. Si un francophone se pointe à la cour municipale et dit : «On m'a donné une contravention de vitesse et je vais plaider ma cause dans la cour municipale,» l'amendement tel que proposé par le gouvernement, l'opinion que j'ai reçue du conseil législatif dit que j'ai seulement le droit de faire appel à la cour si moi je peux déterminer, si je peux faire preuve devant la cour, que l'on était préjugé contre moi ayant recours à la cour seulement en anglais. Plus loin M. Beecroft dit qu'en Ontario cela se passe tous les jours avec toutes les autres nationalités. On donne un interprète à la personne qui va devant la cour et c'est assez pour garantir que la personne n'a pas été l'objet d'un préjugé.

Quand j'ai vu cette opinion, j'ai parlé à mon caucus NPD et on a parlé sérieusement avec mes collègues M. Hampton, M. Silipo, Mme Martel, M. Wood, M. Lessard et j'en passe. Ils ont dit : «Minute, jamais qu'on pourra accepter l'amendement du gouvernement.» C'est très clair. M. Beecroft dit que les droits des francophones ne sont pas nécessairement garantis. Ce qui est plus intéressant, c'est quand tu lis la Loi 108, section 164 — Puis je la lis, parce que c'est ça qui est important — n'oubliez pas. La garantie que le gouvernement veut nous donner est dans l'entente. Ils vont signer une entente séparée avec des municipalités qui dit que les droits des francophones sont garantis — dans l'entente. C'est le point qui est important. Ça dit, selon la Loi 108, section 164, section 3 : «Aucune instance n'est invalidée pour le seul motif qu'une personne n'a pas observé l'entente.»

"No proceeding is invalidated by reason only of a person's failure to comply with the agreement."

Ceci veut dire que la municipalité peut casser l'entente et tu n'as aucun recours aux cours. Tu ne peux pas faire appel aux cours, parce que ça dit dans la loi que si la municipalité brise l'entente, il n'y a rien que tu peux faire. La loi est très claire. Et l'amendement que le gouvernement nous propose dit que le seul temps que tu peux amener la municipalité en cour pour avoir cassé l'entente qu'ils ont signée avec la province, c'est si tu peux déterminer et faire preuve au juge quand tu vas faire l'appel que tu as été préjugé dans la décision que tu a eue. Mais tu ne peux pas la faire cette preuve, ce qui arrive avec Gilles Bisson, ou Mme Martel, ou M. Wood qui comprend le français et le parle, qui vont en cour et qui disent, «Moi je veux avoir un procès en français.» Le juge va dire : «Excuse me, you speak English. I don't have to give you a court in French, and you're not going to be prejudiced because you understand English.»

Et moi, j'ai perdu mon droit acquis tel que je l'ai présentement sous le Courts of Justice Act. C'est pour ça qu'on s'y est opposé.

Ce que j'ai fait, j'ai envoyé cette opinion légale à l'AJEFO, l'Association des juristes d'expression française. Ce point-ci, je ne l'ai jamais relevé, mais c'est important à relever dans le débat aujourd'hui parce que le ministre et le ministre délégué aux Affaires francophones ont soulevé deux points auxquels j'ai besoin de répondre très clairement.

Premièrement, ils disent toujours que l'AJEFO est très clair et qu'elle support le gouvernement avec l'amendement, carrément, nette, frais, sec.

Je veux lire ce que l'AEJFO m'a écrit. Moi, j'ai reçu la décision de M. Beecroft du bureau des conseils législatifs le 12 mai. C'est datée le 13 mai 1998. C'est signée par M<sup>e</sup> Tory Colvin, le président de cette association.

«Je vous remercie de nous avoir fait parvenir une copie de la lettre de M. Douglas Beecroft, vous envoyée le 12 mai 1998. Nous sommes très préoccupés par l'interprétation que le bureau des conseils législatifs fait du texte de l'amendement proposé par le gouvernement,» et c'est important. «Il est essentiel que les trois dernières phrases de l'avis de M. Beecroft soient clarifiées avant le vote sur l'amendement du gouvernement,» quelque chose que le procureur général ou le ministre délégué aux Affaires francophones ne veut jamais admettre : que l'AJEFO, oui, a négocié un amendement avec le gouvernement, et l'AJEFO a pensé originalement que cet amendement était clair. Mais l'AJEFO, eux, ont dit, «Une minute. L'avis de M. Beecroft nous inquiète, et nous, l'Association des juristes d'expression française, voulons avoir une interprétation du procureur général, et on veut avoir sur le record ce que ça veut dire. Est-ce que M. Beecroft est correct, ou est-ce que c'est le procureur général qui l'est ? Ou veut avoir des assurances, quelque chose que le procureur général n'a jamais donné.»

C'est pour ça que nous, on n'a jamais cédé ce débat. M. le procureur général, il est plus "smart" que tout le monde, il est brillant. Il ne veut pas croire M. Beecroft du bureau des conseils législatifs de l'Ontario.

Je dis à moi-même, okay, il ne croit pas Gilles Bisson, il ne croit pas le conseil du bureau législatif de l'Ontario, il ne croit pas l'Association des juristes d'expression française. Peut-être qu'on a besoin d'autres preuves. Des fois, c'est dur à faire comprendre ce gouvernement. Ce n'est pas du monde qui aime écouter. J'a dit, «Okay, pas de problème. On va retrouver quelqu'un d'autre.»

Est-ce qu'on connaît M. Paul Rouleau ici à l'Assemblée? Il est avocat chez Genest Murray Des-Brisay Lamek. M. Paul Rouleau est un des avocats les plus reconnus — pas le seul — dans la province quand ça vient à la question de l'interprétation des droits linguistiques. On est tous d'accord, oui? Je vais lire ce que M. Rouleau m'a écrit dans la lettre endatée le 25 mai.

Moi, je me dis, «Écoute. M. Harnick ne croit pas, il méprend la décision du bureau des conseils législatifs, il méprend l'amendement du gouvernement, il méprend l'entente. Je vais tout envoyer directement à M. Rouleau et je vais demander à M. Rouleau de s'organiser pour regarder cette décision et voir s'il y a possiblement quelque chose que j'a mal compris.» C'est possible. C'est peut-être moi. Il se peut que le procureur général est correct.

Je lis de la lettre du 25 mai 1998, écrite à moi. C'est une longue décision. Je ne vais pas toute la lire en détail, mais je veux dire un couple de parties qui sont importantes.

«Pour les motifs qui suivent nous sommes de l'avis que l'effet de la Loi 108 est de restreindre le droit statuaire des Franco-Ontariens(nes) à un poursuivant bilingue dans le cas des poursuites déléguées aux municipalités sous la Loi 108 lorsqu'ils choisissent un procès bilingue et que l'amendement proposé par le gouvernement à la Loi 108 n'aura pas l'effet de garantir le droit à un poursuivant bilingue.» Pas mal clair.

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Le bureau législatif de l'Ontario, et là M. Paul Rouleau, écrit une décision qui est très intéressante et très longue, puis je n'ai pas le temps de tout mettre sur le record. Mais je veux faire — il a fait une analyse qui est excellente. L'analyse dit, «Écoute, le problème qu'on a c'est que la municipalité va signer une entente avec le gouvernement qui supposément protège les services linguistiques pour les francophones.» Mais quand on lit la section 164(3), il dit que, «Tu ne peut pas invalider un procès si la municipalité a cassé l'entente,» en autres mots n'a pas donné les services en français, tel qui est exigé dans l'entente.

Numéro un, tu ne peux pas invalider le procès s'ils ne suivent pas l'entente. Ça veut dire l'entente n'a vaut rien. Ça ne vaut pas le papier c'est écrit dessus, parce que la municipalité peut la casser, puis il n'y a rien que le gouvernement provincial peut faire. C'est bien clair.

La deuxième affaire qu'il dit dans cette opinion légale qui est intéressante est, quand tu lis l'amendement du gouvernement 164(4):

“Without limiting the generality of subsection (3), that subsection does not preserve the validity of the proceeding

if the failure to comply with the agreement results in prejudice to the defendant's right to a fair hearing.”

Là quoi j'ai besoin de faire, selon M. Rouleau, c'est d'aller à la cour provinciale et de dire, «Moi, j'étais préjugé par le juge municipal, parce qu'il ne m'a pas donné mon procès en français.» Puis là, le juge provincial va dire: «Démontre-moi comment tu étais préjugé. Puis ils l'ont fait en anglais. Monsieur Bisson, parlez-vous l'anglais?» «Oui.» «Tu n'a pas été préjugé.» Bien simple. Parce que j'ai compris tout qui était dit.

Même pire, quand tu lis l'opinion de M. Rouleau, qui était écrite par lui, datée le 25 mai, c'est que même si tu ne comprends pas l'anglais et que tu vas en cour puis ton nom c'est M<sup>me</sup> Tremblay de Hearst, tu ne parles pas un mot, deux mots d'anglais, te pointes à la cour municipale et puis donne ton procès en anglais avec une interprète, l'interprétation de quoi qu'il dit en anglais, le juge va dire, “Did they provide an interpreter, Mrs Tremblay?” Ils vont faire l'interprétation et ils vont vous donner une interprète, madame Tremblay. Puis elle va dire, «Oui, j'ai eu une interprète.» “Sorry, you weren't prejudiced. Section 164(4) says you have to prove you're prejudiced. Mrs Tremblay, go home. You were not prejudiced.” C'est ça qui va arriver.

Ça ce n'est pas Gilles Bisson qui le dit, c'est M. Paul Rouleau, dès la décision que j'ai eue de lui datée le 25 mai 1998, selon l'opinion que j'ai eue de M. Beecroft, du bureau des conseils législatifs, datée le 12 mai 1998, e selon l'AJEFO, le lettre qu'ils m'ont donnée le 12 mai, ce même mois. Ce n'est pas assez? Okay, on va aller chercher une autre opinion.

J'ai dit, «Okay, le gouvernement ne vont pas croire ces mots. On va demander une autre opinion. Peut-être qu'on n'a pas assez d'opinions.» Ce n'est pas le seul jeu qu'on a besoin de jouer avec le gouvernement. J'ai demandé pour une autre opinion légal, de Racicot, Maisonneuve, Labelle, Cooper de Timmins. C'est signé par mon ami, un avocat qui connaît son affaire, M. Michel Labelle. Il m'écrit, datée le 26 mai de 1998, la lettre suivante. Il arrive un peu à faire les mêmes assignations que M. Paul Rouleau a fait, et j'ai trouvé son opinion plus claire. Je vais la lire, parce que c'est intéressant quoi qu'il dit.

«Par l'entremise du projet de loi 108, la province désire transférer aux municipalités le droit de mener certaines poursuites. La municipalité n'agirait toutefois pas comme mandataire de la couronne du chef de l'Ontario, ni du procureur général.

«Toutefois, la municipalité et la couronne seraient partie à une entente (memorandum of understanding). En vertu de cette entente, l'article 2.1.6 reconnaît le droit des francophones à une audience en français tel que stipulé dans la Loi sur les tribunaux judiciaires.» Là il écrit la section du MOU, de l'entente.

«Nous sommes d'avis que la clause ci-haut mentionnée conserve le droit à un francophone à une audience en français si la municipalité serait dans l'obligation de respecter cette entente. Toutefois, le projet de loi 108 prévoit que le non respect de l'entente par une municipa-



lité n'invalide pas une instance pour le seul motif qu'une personne n'a pas observé l'entente.»

Il dit la même affaire que M. Rouleau. Oui, l'entente qui est signée par la municipalité dit qu'on va préserver les droits, mais ça ne veut rien dire, parce que la municipalité peut casser l'entente, et selon la section 164(3), ils ont le droit de casser l'entente et il n'y a rien qu'on peut faire de l'affaire. C'est dans la loi.

Le gouvernement joue un jeu. Ils nous disent qu'ils nous donnent une protection, mais il y a une section dans la loi qui dit qu'on ne peut pas invalider un processus sur la condition que l'entente a été brisée.

Je suis revenu à l'Assemblée et j'ai posé la question au ministre. J'ai dit, «Monsieur le ministre, on a offert trois opinions légales, celles de M. Rouleau, M. Labelle, M. Beecroft, et tous les trois disent la même affaire : votre amendement ne donne pas la protection législative aux francophones tel que dit.» Le procureur général répond en nous disant que les droits des francophones protègent les droits français.

Monsieur le Président, combien d'opinions légales a-t-on besoin d'amener à ce gouvernement pour les faire comprendre que l'amendement qu'ils proposent ne donne pas les protections linguistiques aux francophones ? Combien a-t-on besoin d'amener ?

L'AJEFO, selon leur lettre daté le 13 mai, dit qu'il est essentiel que les trois dernières phrases de l'avis de M. Beecroft soient clarifiées avant le vote sur l'amendement du gouvernement. Ils reconnaissent, comme avocats, qu'il y a un problème.

Cette fin de semaine, j'ai assisté à la réunion annuelle de l'ACFO, l'Association canadienne-française de l'Ontario. M. Villeneuve y est venu nous dire, «Si M. Bisson ne cède pas la place dans le débat au comité plénier, nous autres, on va introduire une motion de clôture,» a time allocation motion. «On va arrêter le débat et on va passer le projet de loi sans amendement.» Une minute, là.

Le gouvernement, eux, nous prennent pour qui, comme législateurs ? Pour qui prennent-ils la communauté ? Ils ont une majorité à la Chambre. Il y a deux motions de clôture présentement devant nous, une qui dit que le gouvernement a le droit de passer le projet de loi avec amendements et une qui dit qu'il a le droit de passer le projet de loi sans amendements. Le gouvernement a choisi. Il a choisi d'appeler cette motion, et cette motion est très claire que le gouvernement va passer ce projet de loi sans amendements. Je peux seulement conclure que c'est parce que ce gouvernement croit que leurs amendements ne protègent pas les droits des francophones. Moi, quand j'ai la chance de poser la question au ministre, il continue à nous dire qu'il protège les droits en français. Excuse-moi. Ça ne les protège pas.

J'ai eu l'opportunité, cette fin de semaine, de demander encore aux avocats, M. Paul Rouleau, M. Gérard Lévesque et autres, leurs opinions pour m'assurer que j'ai bien compris les lettres que j'avais. Ils ont été clairs. Ils ont dit : «Écoute, Gilles. L'affaire n'est pas claire. L'amendement que le gouvernement nous donne ne protège pas les services tel qu'ils nous ont dit.»

L'avis que M. Rouleau nous donne est que la meilleure chose est de faire cet amendement. Pourquoi ? Pour des raisons légales faisant affaire avec la Charte, selon M. Rouleau, il pense que c'est mieux de faire valoriser l'amendement parce que, au moins, de cette manière, on peut faire une plainte à la Charte et à la constitution pour avoir encore nos services en français dans nos cours. C'est le gouvernement fédéral qui a premièrement transféré les offenses aux provinces, et il ne s'est pas assuré que les droits aux services en français seraient protégés. Selon M. Rouleau, c'est mieux de ne pas avoir un amendement là-dedans. Au moins, d'une telle manière, on a une opportunité à plaider au cour fédéral pour avoir nos garanties.

L'autre affaire que je veux clarifier et qui est très important : M. le procureur général dit que quand le gouvernement Rae était au pouvoir et qu'on a transféré les offenses de stationnement aux municipalités, on n'a pas garanti les services en français, qu'ils sont, eux, le seul gouvernement qui a jamais, dans l'histoire de la province, donné cette garantie.

Excuse-moi. Il est plein de quelque chose, puis je ne vais pas vous dire de quoi.

1740

Moi, j'étais membre de ce gouvernement, de M. Rae, et je me rappelle très bien ce débat, parce que c'était l'AJEFO qui est venue nous voir quand on était le gouvernement pour nous dire, «Il y a un problème avec le projet de loi de M. Rae.» On a donné les garanties législatives à la législation quand on a fait des amendements au projet de loi. Puis M. Harnick oublie ça. Pour lui d'entrer dans cette Assemblée puis de faire croire que le gouvernement Rae a donné les droits des francophones quand on a transféré les offenses de stationnement, il est plein de quelque chose.

La réalité c'est que quand l'AJEFO est venue nous voir — parce que ce qui est arrivé avec nous c'est la même affaire qui est arrivé avec eux — on a commencé à transférer les offenses de stationnement aux municipalités. Nous autres, on a fait la même erreur que le gouvernement semble faire comme c'est là, et l'AJEFO est venue nous voir. Si je me rappelle bien c'était M. Lévesque — ils sont venus nous voir, et ils ont dit : «Une minute, M. Rae, il y a un problème. On n'a pas de garantie pour les francophones faisant affaire avec les droits.»

Ce qui est important à noter, c'est quand l'AJEFO est venue nous voir et parler au gouvernement — dans le temps c'était M<sup>me</sup> Boyd qui était la procureure générale — ils ont dit : «Il y a un problème avec ce projet de loi. Les droits des francophones ne sont pas protégés de la manière que l'on veut. Les droits des francophones vont être diminués si la loi est passée telle quelle.» On a fait des amendements à la loi qui sont ici dans ma main.

**Ms Shelley Martel (Sudbury East):** Maybe you should say it in English.

**Mr Bisson:** That's a good point. I think I need to say this in English so that the government picks this up.

The Attorney General argues that when the Rae government was in power, it transferred parking offences to the municipalities, and he puts forward the argument,

incorrectly, that when the Rae government transferred those parking offences, we did not, as that government, protect French-language service rights. I have the bill here. The legislative guarantee was given, because when l'Association des juristes d'expression française came to see us, they pointed out the error we had made, and yes, there was an error made. I admit that. For that reason we amended the legislation. We reintroduced the piece of legislation when we reopened the Courts of Justice Act — I have it here — and we protected in the legislation French-language service rights. We could do it.

**Interjection:** Bad research again.

**Mr Bisson:** Bad research on the part of the government.

Government members, it is interesting to note the pieces of paper. If you don't believe the pieces of paper printed by Hansard and the bills printed by this House, you have a problem.

Le point que je fais est ceci : je crois sincèrement que le gouvernement, quand il a fait la Loi 108, a fait une erreur. Je suis préparé à accepter ce point. Il n'y a pas un gouvernement dans le monde qui n'a jamais fait des erreurs. Mon gouvernement en a fait, tout comme le gouvernement de M. Grandmaître. On fait tous des erreurs. Mais, quand on voit qu'on a fait une erreur, c'est à nous autres de la corriger si on croit à nos convictions. Je sais, et j'ai toute confiance, que s'il avait été le gouvernement de M. Peterson, comme était le cas avec le gouvernement de M. Rae, que l'erreur aurait été corrigée. On a une croyance que les droits linguistiques sont importants.

Mais, ce gouvernement nous dit, «Non, le procureur général, lui, il est smart. Il est assez smart, c'est épouvantable. Il est le seul gars qui sait comment faire un amendement, puis il est le seul gars qui sait comment faire l'interprétation. M. Beecroft ne sait pas de quoi il parle. M. Labelle ne sait pas de quoi il parle. M. Rouleau ne sait pas de quoi il parle. M. Bisson ne sait pas — personne ne sait rien, sauf lui. Il est donc brillant.» Je suis vraiment excité, comment qu'il est brillant cet homme là. Le même gars, te rappelles-tu ce qu'il a fait avec le Family Responsibility Office ? Je ne veux pas m'implanter dans ce débat là. C'est le même gars, quand ça vient à the Family Support Plan, il a tout complètement bouleversé le système, il a tout complètement cassé. On l'a poigné avec les mains chaudes dans la marmite en train de casser le système, puis il dit : «O non, je n'ai rien fait. Ce n'est pas moi, c'était ma main.»

Je n'ai pas de confiance en ce procureur général quand ça vient à n'importe quoi qu'il fait, parce que je te le dis, il a what we call the inverted Midas touch. N'importe quoi qu'il touche ne vire pas en or, ça vire en quelque chose d'autre. C'est ça que ça vire. Puis dans ce cas-ci, le procureur général serait mieux servi de faire ce qui est important, de respecter la communauté francophone, d'admettre qu'il a fait une erreur, et de faire un amendement qui est clair, qui dit, «nous, le gouvernement de l'Ontario de M. Harris, voulons protéger les droits linguistiques des francophones quand on transfère des services aux municipalités, et on veut écrire un amendement

qui est clair et au point, qui dit que les francophones, une fois ce service transféré, vont se trouver avec les mêmes garanties qu'on a présentement dans la loi.» C'est bien simple. Si le gouvernement ne choisit pas de faire ça, ça me dit que, soit ils n'ont pas de confiance en leur amendement, ou qu'ils sont en train de nous faire passer un gros sapin. On s'en fiche bien, c'est vraiment le point.

N'oubliez pas, puis j'ai besoin de répéter ce point. Le gouvernement a deux motions de clôture, «two time allocation motions». Ils peuvent choisir. Ils ont fait un choix. Une motion du gouvernement, avec sa majorité, qu'il peut passer avec aucun problème, qui dit, «On va permettre au projet de loi 108 de sortir du comité plénier et introduire l'amendement du gouvernement.» L'autre motion dit, «on sort le projet de loi sans amendement.» Le gouvernement peut en choisir l'un ou l'autre. Peu importe lequel ils ont choisi, ils ont choisi l'amendement qui dit, «aucun amendement». Ils s'en fichent bien. Ils disent, «To heck with the francophone community», on ne croit pas en les services linguistiques, les droits linguistiques des francophones.

Peu importe ce qui arrive, ils disent qu'ils n'ont pas confiance en leur amendement, parce que, s'ils avaient confiance, le procureur général appellerait l'amendement de clôture qui permet clairement au gouvernement de faire passer son amendement. Comme mon bon ami, M. Wildman, vient juste de me pointer, c'est ce gouvernement qui considère les francophones comme un groupe d'intérêt. C'est ça le point. Pour moi, c'est quelque chose qui est dégueulasse, quelque chose qui me fait mal comme francophone. Je ne me considère pas un groupe d'intérêt. Je suis sûr que M. Grandmaître, M. Poirier, M. Lalonde et autres députés présents aujourd'hui, et autres francophones à travers la province, ne se sont jamais vu comme une communauté d'intérêt. On est des francophones. On est des Franco-Ontariens. On demeure dans cette province, et c'est la nôtre. On a certains droits linguistiques qui nous ont été accordés, et on veut les garder. Et moi, ça m'insulte de voir ce que fait ce gouvernement.

Justement pour ce point, c'est pour ça que j'ai introduit la Loi 17 dans l'Assemblée, ça fait à peine un mois, et que il est passé à deuxième lecture ici à l'Assemblée, parce que le gouvernement n'a pas eu assez de membres de l'autre bord — victoire pour l'opposition. Parce que nous, ici de ce bord de la Chambre, croyons en les droits linguistiques des francophones. On veut protéger ces droits, et on est préparé de mettre — comme on dit en anglais, «To put our money where our mouth is». Je ne trouve pas comment traduire ça de l'anglais. On a mis sur papier un projet de loi qui dit qu'aucun transfert aux municipalités d'un service provincial qui est présentement couvert sous la Loi 8 ou the Courts of Justice Act ne va être protégé sous la Loi 108.

Moi, je vais vous dire l'affaire qui m'a vraiment bouleversé, comme j'ai dit toute à l'heure, puis la preuve est que ce gouvernement pense qu'on est un groupe d'intérêt. C'est les commentaires que le ministre délégué aux Affaires francophones a fait dans l'Assemblée jeudi. Il est venu parler contre le projet de loi, il a parlé contre les droits



linguistiques et il a voté contre. Pour un francophone de faire ça, un francophone au sein du cabinet, il faut que tu te demandes, «Pour qui parle-t-il ?» Il ne parle pas pour nous autres.

Jusqu'au point — je vais vous faire signaler ceci — au congrès annuel de l'ACFO, le samedi matin, quand M. Villeneuve est venu avec M. Hampton et M. McGuinty, M. Villeneuve s'est fait posé la question — je pense que c'était M. Marchand qui l'a demandé. Il a dit : «Monsieur le ministre, pourquoi que vous ne parlez pas pour nous les francophones ? Pourquoi ces affaires-là arrivent, puis on lit ça dans la Gazette après, dans les journaux, on voit ça dans les nouvelles — tu ne regardes pas ce qui se passe dans le cabinet ?» Les mots du ministre ont été bouleversantes — il faut rire parce que ça me dit jusqu'à quel point ce gars, il est compétent — il dit, «Bien, tu sais, je suis le seul francophone au cabinet, puis je ne sais pas toujours ce qui se passe.» Imaginez ça. Qu'est-ce qu'il fait au cabinet ? S'il ne sais pas ce qui se passe, c'est soit (a) son gouvernement n'a pas confiance en lui — puis s'il n'a pas confiance, que le Premier ministre trouve quelqu'un en qui il a confiance — ou (b) qu'il démissionne parce qu'il est incompétent. Il n'a pas de poids. Il ne parle pas pour la communauté francophone au sein du cabinet.

1750

Même le ministre délégué aux Affaires francophones a fait un point à Ontario Trente avec moi-même et M<sup>me</sup> Bureau le vendredi ou jeudi passé. Quand il a essayé de défendre sa position votant contre la Loi 17, M. Villeneuve a dit, et c'est incroyable pour un ministre délégué aux Affaires francophones de dire ça — M. Pouliot avait besoin d'écouter ceci, parce que vous, vous avez été un ministre, comme M. Grandmaître l'a été. Écoutez.

Il s'est fait poser une question faisant affaire avec pourquoi il avait voté contre mon projet de loi 17. Il a dit, «Écoute. Ce n'est pas nécessaire pour un francophone d'avoir les mêmes droits linguistiques à Prescott et Russell qui existent possiblement à London.»

Pouvez-vous imaginer que le ministre délégué aux Affaires francophones pense que les francophones peuvent avoir des droits différents dépendants de s'ils demeurent à London ou qu'ils demeurent à Prescott et Russell, deux endroits couverts sous la Loi 8 ? Le point, c'est que le ministre pense que c'est correct.

Je veux mettre quelque chose sur le record. Les francophones à London ont besoin, et possiblement plus, des protections sous la Loi 8 que ceux à Prescott et Russell, parce qu'ils sont moins nombreux et ils ont moins de chance de faire l'accès aux services en français. Ils ont besoin de garanties législatives pour protéger les services en français. C'est très important à Prescott et Russell, mais je pense que c'est possible que c'est même plus important à London. Ça me dit que ce gouvernement et ce ministre ont vraiment un agenda quand ça vient aux francophones.

Ils ont essayé de dire de bonnes paroles. Ils disent, depuis un couple d'années, «Nous autres, on aime les francophones.» Il faut les juger par leurs actions.

### Interjection.

**M. Bisson:** Exactement. Ils essaient de nous endormir.

Le même gouvernement qui essaie de fermer l'hôpital Montfort, grâce à la communauté francophone et M<sup>me</sup> Gisèle Lalonde s'est fait renverser leur décision. C'est le même gouvernement qui a mis seulement — c'est quoi ? — un francophone sur le conseil de santé de la région d'Ottawa, ce gouvernement qui prétend parler pour les francophones, le même gouvernement qui a fermé des centres de santé communautaire tels qu'à Timmins, le même gouvernement qui alloue la fermeture de garderies francophones dans la province par le changement des règlements dans la domaine de garde d'enfants, le même gouvernement qui essaie de nous enlever nos droits linguistiques dans la Loi 108, comme ils vont faire aussi quand ils transféreront une gamme de services aux municipalités.

Monsieur le Président, ce n'est pas acceptable. C'est pour cette raison que notre caucus — M. Marchese, M. Silipo, moi-même et le reste — a dit qu'on va, au caucus NDP, si le gouvernement en est incapable et ne veut pas, essayer de protéger les droits linguistiques. On va faire tout dans notre pouvoir comme opposition pour trouver une manière d'assurer les droits linguistiques pour les francophones. Nous au parti ND, on y croit, et on met en pratique ce dont on croit. Ce gouvernement va dans la direction opposée.

C'est clair. Le gouvernement sait qu'ils ont un choix à faire. Le choix, c'est qu'ils acceptent mon amendement. S'ils ne sont pas capables, s'ils ne le veulent pas, c'est correct ; pas de problème. Qu'ils écrivent leur amendement eux-mêmes, et je le dis publiquement, on va leur donner le crédit. Je le dis aujourd'hui à l'Assemblée, si le gouvernement rentre avec un amendement qui dit, Conservateurs, on va protéger les droits linguistiques, moi, je vais aller en avant des médias pour dire, «I give government full credit.» Je n'ai pas de problème à le faire, puis je le dirais tout de suite.

Ou, s'ils ne font pas ça, il y a un autre choix : acceptez un de leurs deux motions d'allocation de temps. Ils ont le choix de dire, un, que le projet de loi passe avec l'amendement, parce qu'ils ont le droit, ils en sont capables avec les motions tels qu'elles sont présentées devant l'Assemblée, ce qui veut dire que leur amendement passerait, s'ils croient à ce qu'ils font. Ou ils font comme ils ont choisi. Ce gouvernement a choisi de ne pas inclure un amendement. Pourquoi ? On peut seulement penser que soit qu'ils n'ont pas confiance en leur amendement, ou qu'ils essaient de parler à la base réformiste de leur parti en disant qu'on n'est pas trop fort quand ça vient aux droits linguistiques des francophones. Ou ils essaient nous faire passer un sapin.

Ce n'est pas acceptable. C'est pour cette raison que notre caucus va continuer, avec l'aide du caucus libéral, à oeuvrer à protéger les droits linguistiques des francophones. Si le gouvernement en est incapable, si le gouvernement ne veut pas, nous, on est préparés à le faire. On continue la lutte.

**The Speaker (Hon Chris Stockwell):** Notice of motion number 16: Is it the pleasure of the House that the motion carry?

All those in favour, please say "aye."

All those opposed, please say "nay."

In my opinion, the ayes have it.

Call in the members. This will be a five-minute bell.

*The division bells rang from 1755 to 1800.*

**The Speaker:** All those in favour, please rise one at a time and be recognized by the Clerk.

#### Ayes

Amott, Ted  
Baird, John R.  
Barrett, Toby  
Beaubien, Marcel  
Boushy, Dave  
Brown, Jim  
Carr, Gary  
Chudleigh, Ted  
Clement, Tony  
Cunningham, Dianne  
Danford, Harry  
Doyle, Ed  
Ecker, Janet  
Eves, Ernie L.  
Flaherty, Jim  
Ford, Douglas B.  
Fox, Gary

Grimmett, Bill  
Hamick, Charles  
Hodgson, Chris  
Hudak, Tim  
Jackson, Cameron  
Johns, Helen  
Johnson, Bert  
Jordan, W. Leo  
Kells, Morley  
Klees, Frank  
Leach, Al  
Leadston, Gary L.  
Marland, Margaret  
Martiniuk, Gerry  
Maves, Bart  
McLean, Allan K.  
Munro, Julia

Ouellette, Jerry J.  
Parker, John L.  
Rollins, E.J. Douglas  
Ross, Lillian  
Saunderson, William  
Shea, Derwyn  
Sheehan, Frank  
Skarica, Toni  
Snobelen, John  
Spina, Joseph  
Sterling, Norman W.  
Stewart, R. Gary  
Tascona, Joseph N.  
Turnbull, David  
Wettlaufer, Wayne  
Wilson, Jim  
Witmer, Elizabeth

Froese, Tom  
Galt, Doug  
Giichrist, Steve

Mushinski, Marilyn  
Newman, Dan  
O'Toole, John

Wood, Bob  
Young, Terence H.

**The Speaker:** All those opposed, please rise one at a time and be recognized by the Clerk.

#### Nays

Bartolucci, Rick  
Bisson, Gilles  
Boyd, Marion  
Bradley, James J.  
Brown, Michael A.  
Caplan, David  
Churley, Marilyn  
Cleary, John C.  
Conway, Sean G.

Crozier, Bruce  
Cullen, Alex  
Duncan, Dwight  
Grandmaître, Bernard  
Hoy, Pat  
Lalonde, Jean-Marc  
Lessard, Wayne  
Marchese, Rosario  
Martel, Shelley

McLeod, Lyn  
Patten, Richard  
Pouliot, Gilles  
Pupatello, Sandra  
Ramsay, David  
Ruprecht, Tony  
Wildman, Bud  
Wood, Len

**Clerk of the House (Mr Claude L. DesRosiers):** The ayes are 59; the nays are 26.

**The Speaker:** I declare the motion carried.

It now being past 6 of the clock, this House stands adjourned until 6:30 of the clock.

*The House adjourned at 1803.*

*Evening meeting reported in volume B.*



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**Legislative Assembly  
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Second Session, 36<sup>th</sup> Parliament

**Assemblée législative  
de l'Ontario**

Deuxième session, 36<sup>e</sup> législature

**Official Report  
of Debates  
(Hansard)**

**Journal  
des débats  
(Hansard)**

**Monday 8 June 1998**

**Lundi 8 juin 1998**



**Speaker**  
Honourable Chris Stockwell

**Président**  
L'honorable Chris Stockwell

**Clerk**  
Claude L. DesRosiers

**Greffier**  
Claude L. DesRosiers

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## LEGISLATIVE ASSEMBLY OF ONTARIO

Monday 8 June 1998

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Lundi 8 juin 1998

*The House met at 1830.*

### ORDERS OF THE DAY

#### RED TAPE REDUCTION ACT, 1998

#### LOI DE 1998 VISANT À RÉDUIRE LES FORMALITÉS ADMINISTRATIVES

Mrs Ross, on behalf of Mr Tsubouchi, moved second reading of the following bill:

Bill 25, An Act to reduce red tape by amending or repealing certain Acts and by enacting two new Acts /  
Projet de loi 25, Loi visant à réduire les formalités administratives en modifiant ou abrogeant certaines lois et en édictant deux nouvelles lois.

**Mrs Lillian Ross (Hamilton West):** Mr Speaker, before I begin, I'd like to share my time with the member for Huron, the member for Hastings-Peterborough and the member for Halton North.

**The Acting Speaker (Mr Gilles E. Morin):** Agreed? Agreed.

**Mrs Ross:** I'm pleased to rise today to speak on second reading of Bill 25, the Red Tape Reduction Act, 1998. This bill continues the government's war on red tape in an effort to make it easier for the public and business to deal with government. This bill amends or repeals several pieces of legislation or sections of legislation that have become obsolete or cumbersome. It also helps cut business free of unnecessary rules and regulations that cost business time and money. This restricts economic growth and can form a formidable barrier to job creation.

The Red Tape Reduction Act, 1998, consolidates seven red tape reduction bills that were before the Legislature in the last session, plus some additional measures.

It will amend the Loan Brokers Act to strengthen the legislation to deal with unscrupulous loan brokers. It will allow the ministry to issue cease and desist orders against loan brokers who violate the law even when charges have been laid and the broker has been convicted under the act.

It will repeal the Sheep and Wool Marketing Act, an act which has not been used since 1985, when the Ontario Sheep Marketing Agency was established.

This bill replaces the list of prescribed investments for trust funds by introducing a "prudent trustee" standard, to allow more flexibility to invest funds and maximize income for beneficiaries.

It will repeal the Parks Assistance Act at the Ministry of Citizenship, Culture and Recreation, made redundant by new land use planning guidelines. Also at that ministry,

it will repeal section 12 of the Ministry of Citizenship and Culture Act, which sets out regulation-making authority to establish financial assistance programs. That ministry has always had the flexibility to establish, revise and rescind grant programs without recourse to the regulation and has never established any financial assistance programs under section 12. No regulations have ever been made under section 12 of the Ministry of Citizenship and Culture Act, and none are foreseen.

This bill will amend the Ontario Energy Board Act to improve flexibility in approving rates, reduce regulatory controls and permit the use of performance or incentive mechanisms to improve utilities' productivity. It does not alter the government's requirement that the boards set just and reasonable rates and other charges.

Under the Public Hospitals Act, this bill will merge health sector appeal boards, streamline hearing and review processes and clarify procedures relating to complaint, discipline and appeal proceedings.

Under the Ministry of Natural Resources, it will reduce 11 forestry-related acts to five and repeal outdated legislation to simplify and enhance forest protection.

In total, the Red Tape Reduction Act, 1998, includes more than 100 amendments to more than 40 acts. At my ministry, the Ministry of Consumer and Commercial Relations, there are many steps towards reducing red tape, and I'd like to mention just a few.

One is changes under the Corporations Act which will allow not-for-profit corporations other than charities to dispense with an annual audit if their annual income is less than \$10,000 and if all members consent in writing. Not-for-profit corporations can include, for example, hockey and bowling leagues, or even community centres in our own communities.

This bill allows changes to mutual insurance corporations to hold annual shareholders' meetings within the first three months, rather than the first two months, of every calendar year. They will also be allowed to published notice of the meeting and the annual statement in a local newspaper instead of mailing these documents to every policyholder.

This bill will bring changes to the Liquor Licence Act to eliminate unnecessary delays in the granting of a liquor sales licence, while still maintaining regulatory control. Thus, this bill will stop frivolous or vexatious objections from creating unnecessary delays in the processing of a liquor sales licence.

Changes to the Theatres Act will permit films and videos to get into circulation faster and yet allow the

board to continue to perform their duties effectively, quickly and efficiently.

As members know, the government has achieved considerable success in its efforts to eliminate regulatory provisions that no longer serve any useful purpose. Much of this is the result of the dedication and hard work of the Red Tape Review Commission, now known as the Red Tape Commission.

The Red Tape Reduction Act, 1998, together with other measures, will continue the fight to cut the stranglehold of unnecessary rules and regulations.

I urge all members to support this bill.

**Mr Harry Danford (Hastings-Peterborough):** It is my pleasure this evening to also speak on Bill 25, our government's latest red tape reduction bill. The Ministry of Agriculture, Food and Rural Affairs has worked consistently with the Red Tape Commission and reviewed our legislation and regulations to reduce the regulatory burden on residents of rural Ontario, to eliminate duplication, to encourage industry self-reliance and save both the ministry and its clients administrative costs.

Our ministry covers three components of this bill and proposes to repeal the Sheep and Wool Marketing Act and amend the Tile Drainage Act and the Drainage Act.

First, the Sheep and Wool Marketing Act originally authorized the promotion and improvement of sheep and wool marketing activities. This act has not been used since 1985 when the Ontario Sheep Marketing Agency was established. The agency has the legal authority for industry promotion and improvement. The act was to be left in place for five years to give the agency time to establish its effectiveness. Today, the proven self-reliance of the industry itself makes the Sheep and Wool Marketing Act redundant and we propose to repeal that act.

Second, under the Tile Drainage Act, municipalities can borrow money from the province to lend to local farmers for tile drainage work. The act requires, in turn, that municipalities must first pass a borrowing bylaw giving authorization to borrow money. Once this bylaw is passed, it must be registered in the local registry office.

The Ministry of Consumer and Commercial Relations is converting local registry offices to the new land titles system under which general bylaw indexes will not be maintained. As a result, some municipalities have encountered problems in registering these bylaws. In general, the registration process adds costs to the municipalities, results in time delays and no longer serves any useful purpose. Our amendment to the Tile Drainage Act will remove the requirement for municipalities to register borrowing bylaws in the local registry office.

We are also amending the Drainage Act, an act which provides land owners with a procedure to resolve drainage problems through their local municipalities. The drainage systems that are constructed are paid for by the land owners and ensure that agricultural land remains viable and productive.

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The Drainage Act requires the cost of all drainage work to be assessed to land owners and that each assessed

owner in turn must be notified and receive a copy of the engineer's report for the project. In some cases, the cost of providing the report by an engineer exceeds the assessment being collected. Our proposed amendment will allow municipalities to decide if property owners being assessed less than \$100 for drainage work need to receive a copy of the engineer's report.

Finally, the Drainage Act also allows a municipality to appoint an individual as drainage superintendent and allows the minister to pay a grant to the municipality towards this employment cost. The superintendent is responsible for the maintenance and repair of all the drainage systems in the municipality constructed under the act. In some recently amalgamated municipalities, it is literally not possible for a single individual to fulfil all the responsibilities placed upon them by the present act, so our proposed amendment will allow municipalities, with the approval of the minister, to appoint more than one drainage superintendent and, in turn, receive a grant for the cost of employing more than one individual. This will allow municipalities to continue to provide the same level of municipal drain maintenance and repair services as rural land owners have received in the past.

These regulatory reforms have three goals: to remove the barriers to investment and job creation in the agrifood industry in the province; to reduce the cost of government to the taxpayer; and to improve service to government customers. Last spring in our ministry we introduced the agrifood and rural business bill, which amended nine acts and repealed eight others. We also revoked a number of unnecessary regulations and eliminated the use of 38 different forms and licences.

These efforts and the red tape amendments presented for second reading tonight will help build a positive climate for business in Ontario and, in turn, fuel continued job creation in rural Ontario.

**Mrs Helen Johns (Huron):** It's my pleasure today to rise to speak to this red tape bill. The reason I was asked to speak to the red tape bill is that schedule F of this bill relates to the Ministry of Energy, Science and Technology. Although the amendments happening in schedule F are fairly minute, I thought it was important to talk about what red tape means to me and the members of my community as well as the people of Ontario.

Any of us who have worked in business before recognize that at some point we fill out a form and we wonder whoever reads it when we get it through to the government of Ontario, or to the federal government, for that matter. The Premier felt it was important to evaluate the whole process and look at different opportunities that might be available to streamline the system. Initially, he set up a committee of people who would look at red tape.

Some of my good colleagues are on this committee, and I would just like to recognize them for a minute. Of course Frank Sheehan was the chair; he's the MPP from Lincoln. Then there's a number of different caucus colleagues of mine. Marcel Beaubien, who is of course in the riding next door to mine, is the vice-chair and the member for Lambton. We also have Jim Brown, who is from Scarborough West; Gary Fox, from Prince Edward-Lennox-



South Hastings; John Hastings, from Etobicoke-Rexdale; Morley Kells, from Etobicoke-Lakeshore; John O'Toole, from Durham East; Toni Skarica, from Wentworth North; Joe Spina, from Brampton North; Gary Stewart, from Peterborough; and Joe Tascona, from Simcoe Centre. These people all looked for ways we could improve the way government works.

You may think this is a bunch of MPPs who have come together and are making decisions about what the province should do, but I'd also like to say that they draw on an external group, an advisory group of people from businesses and federations who help make this work. We have the Canadian Federation of Independent Business, and Judith Andrew represents them, Stuart Eagles, from Aegean Development Inc, Donald Fleming, Morley Gunderson, Hugh Heron, Bill Laidlaw, Bonnie Patterson, Blake Smith and Bernard West. All of these people assist us when we look at opportunities where we can make Ontario be more efficient and work for us.

When you're listening at home and you're thinking, "Gee, these are very technical amendments," as we heard from my colleague, the PA to the Minister of Agriculture, you realize that in some cases what we've put into legislation no longer really makes the government work better for the people of Ontario. This government is trying to break down those barriers that we have to economic growth. We're trying to break down barriers to be able to reduce the size of government, we're trying to improve performance standards in the public service and we're trying to cut red tape.

We on this side of the House believe that red tape is the biggest barrier we have to job creation and economic growth in the province of Ontario. People are sick of filling out forms that nobody in the province looks at. It's very important that this government has put a priority on assessing exactly what we need to enhance the ability of Ontarians to stimulate business, to create business and to compete all across the world.

I have young children, as you all know, and we want to have a place where these children can compete in a global economy. If we have excessive red tape or bills or legislation or forms that make our businesses not competitive with other businesses in the world, we do our businesses and our people and our jobs a great disservice. We really need to ensure we reduce the red tape.

Other people might say, "How do you know that these are truly red tape and that in effect these aren't there to protect someone?" That's why we have this great Red Tape Commission. They look at these issues and decide whether this is a health and safety issue, for example, or whether this truly in some way sets up a barrier that stops our businesses from competing. They look at legislation, they look at regulations, they look at licences, permits, approvals, standards, registrations, filings, pay for work enforcement and other measures that are truly not there to protect the health and safety of the public or to maintain environmental quality. That's what their mandate is.

I'd like to say that last week we were looking at evaluation of some potential new legislation that the government may in the future decide to bring forward and

the Red Tape Commission was there saying: "Do you really need this section? How does this improve the ability to create jobs in Ontario?" So not only are they looking at past legislation, they're looking at future legislation to make sure there's an opportunity for all of us to build a better Ontario.

I look at some of the reasons the Premier decided that this was an important mandate. One of the things that was stated in the initial objective or vision of the Red Tape Commission was that from 1975 to 1994 federal and provincial governments passed more than 100,000 new regulations. When you think about that from a business perspective, if even some of them affected you, that's a substantial number to try and keep in touch with and work with within the laws of the province. We need to look at those very carefully to see, does this create jobs, does this help us in the province, does this protect us in any way?

In 1993-94 rules and regulations were estimated to have cost the Canadian economy \$85.7 billion, nearly \$12,000 for each Canadian household.

I remember being an accountant on the financial side of a business and filling out forms day after day for the provincial and federal governments. In some cases, you recognize the benefit of where they are going and how that helps the economy and what that does. In other cases, you wonder if anybody at the other end of the line ever looks at these forms and whether this in some way helps the economy. Really that's what I'm trying to say today. We need to look at some of this old legislation, some of this legislation that was passed in years gone by, and say: "How does this help us in the province of Ontario to govern, from our perspective? How does this help to create jobs, from the perspective of the people in my home town? How does this help the government to help people?" If it doesn't do some of those things or it doesn't protect people, then we need to look at whether it's really important.

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Of the firms that were evaluated in a survey, 43% said that they spend six hours per week on government paperwork, and 17% spend more than 10 hours per week on government paperwork. We have to be very careful about asking businesses to comply with that kind of time frame.

These bills were brought forward before my energy bill, which I'm talking about today and which is one or two pages. That was brought forward in February 1997. It was Bill 121 at that time and here it is again as Bill 25. What's important to notice about that is that the bill is the same. We couldn't get it through with the agenda we had before, and I guess we have some discussion tonight about whether we should be looking at red tape. It's certainly my stand, and the stand of the Premier and this government, that red tape and an evaluation of red tape is a very important issue. It makes the economy go, it makes jobs be created and I think that we need to look at it very carefully.

I want to talk about exactly what's happening in the energy schedule. Schedule F of the bill is basically a page long and it touches on two amendments. After we think

about them, we think: "I wonder why someone didn't take these away previously. It doesn't make any sense." We're talking in one section about the Ontario Energy Board and what we're doing is amending the Ontario Energy Board. What happens right now is that when we're talking about natural gas and the energy board is considering costs, they have to consider the exact cost of the natural gas from the cost that they incur. As we all know — and I think this is no secret to anybody — if the costs are X and you will receive those dollars for it, there is no incentive in the world to reduce those costs.

We're bringing in competition to Ontario Hydro, we're looking at making sure there's customer protection, but what we need to do is try and drive those costs down, because the people of Ontario cannot continue to pay higher electricity costs and higher natural gas costs than other provinces and other states near us. This bill says the board can look at other things besides costs. They can say, "If you drive your costs down, we could leave the price you'll be able to attain at a similar price," so that it's a win-win for the consumer of the province and for the person who is actually providing the natural gas.

It makes only good common sense that we look at ways we can start to reduce the costs, because in some of the businesses, especially in my riding, electricity and natural gas can be 20% to 25% of their operating costs, depending on what they do. We have to be very sensitive to fix costs such as electricity and natural gas and we have to look for ways we can help those costs be reduced.

Of course, the government is doing that, because we have a white paper out, a direction for further change with respect to Ontario Hydro. We're introducing competition into the marketplace and in that regard we're trying to look at opportunities to create jobs. We're looking at opportunities to make Ontario grow. We're looking at opportunities for there to be a different pricing schedule across the province for the people of Ontario that benefits us all.

In this particular case in this bill, we're talking about natural gas, but it is in the same line. We have companies competing against Alberta companies, we have companies competing against global companies and we need as much as possible to find incentive rate-making possibilities so that we can reduce the cost of natural gas.

The regulator will be there to protect the consumers of the province. They will be there. With the Ontario Energy Board, we have now of course hired Floyd Laughren, who comes from the NDP. He'll be there to protect consumers, but on the other side he will be there to ensure that he doesn't have to take a cost-based price that may be inflated or may be —

**Mr Bud Wildman (Algoma):** He can set an arbitrary one, can he?

**Mrs Johns:** That is what we're recommending here. I think Ontarians would be pleased that we're concerned about trying to find ways to reduce the fixed cost, both in our homes and in our businesses.

The second thing we're doing in this bill, and I think you'll find this as amusing as I, is that we're repealing the

Ontario Energy Corporation Act. What happened with the Ontario Energy Corp — I can hardly remember this and I'm not a young pup any more — is that apparently in 1986 the government decided that all Ontario Energy Corp activities would be terminated, so it hasn't really been an active company since 1986. But prior to that, the corporation's mandate was to promote stability in the energy sector and its most high-profile activity was the purchase of 24% of Suncor Inc, a move that did nothing to promote stability and resulted in a net loss of \$300 million to a number of individuals, including the taxpayers, as I understand it.

**Mr Wildman:** Who did that?

**Mrs Johns:** I wasn't around then and I can't comment about the logic for that happening. I don't stand here today saying that everything that happened in the past was the fault of someone else. What I do say is this corporation has not been active since 1989 when the activities were terminated and the assets were sold in two instalments, in 1992 and 1993. Since that time, the corporation has been essentially inactive, other than managing the existing assets, and that has been done by bureaucrats. What's going to happen with this schedule F is that those assets will be brought into the government and what will happen is that specifically designated bureaucrats won't need to be there to carry out those functions. It makes sense. The company is basically, for all intents and purposes, inactive. Why would we have regulations that would keep the corporation on the books? It just doesn't make common sense.

It's important to recognize that some of these items are very important to making sure that Ontario continues to grow and create jobs. It wasn't very long ago that this side of the House talked about interest charges alone that this province had accumulated, ranging in the area of \$1 million an hour. I think we need to talk about how we can do things better in this government. We have a decade of mismanagement in the province. We have record debt. We had record unemployment previously. We had record numbers of people on social assistance. We had record lows in economic performance and growth. We need to get Ontario back to work. That's what we're doing today. We're taking some of the red tape out of regulations so that we can create opportunities for private sector people to create jobs within Ontario.

I don't think I need to remind the House, the Speaker or the people at home that today the economy in the province is stronger than it has been in the whole lost decade. We have retail sales at an unprecedented level. We have consumer and business confidence that's very high. We have housing starts up. Welfare rolls are shrinking and we have new jobs, 341,000 new private sector jobs since September 1995. That's a perfect number, no matter what side of the House you're on.

We have the fastest job creation rate in all of Canada and we have to keep it going. We have to find ways to ensure that this province stays as the economic engine. We have to find ways to ensure that we create the 725,000 jobs we said we would create in the Common Sense Rev-



olution. We're going to continue to work to find ways to entice businesses to start to create jobs, not just the low-paying jobs that my opposition colleagues talk about, but good-paying jobs that we can be proud of in Ontario.

I'm very pleased to say today that I support the sections on energy in schedule F of this bill. They're strictly for red tape. They did nothing to protect the consumer, to protect the taxpayer, to save the taxpayer from excessive dollars being spent. This is a good move from the energy side and I'm very proud to be part of the speech tonight.

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**Mr Ted Chudleigh (Halton North):** I'm very pleased today to have the opportunity to make some comments on this, the second reading of Bill 25, the government's Red Tape Reduction Act, and I'd like to comment on those parts of the bill that come under the jurisdiction of the Ministry of Natural Resources.

The Ministry of Natural Resources changes are outlined in schedule I of the bill, and for the most part they are very similar or identical to those proposed by the ministry under the former Bill 119. While this bill expired when the Legislature was prorogued last December, it previously was posted on the Environmental Bill of Rights registry for a period of 45 days. At that time, the ministry considered all public input and responded to all written submissions from stakeholders and individuals. The amendments proposed in schedule I reflect improvements and additions suggested during this consultative process.

I believe the economic, social and environmental considerations have been balanced throughout this process. I also point out that the amendments have been reviewed by the Red Tape Review Commission and carefully examined internally across all divisions of the Ministry of Natural Resources. This bill, if approved, will reduce red tape in the Ministry of Natural Resources while maintaining our commitment to protecting the environment, improving customer service, and reducing administration costs and duplication. In addition to keeping more than \$11 million in annual forest renewal dollars protected from federal taxation, the Ministry of Natural Resources red tape changes will improve the ministry's planning process for crown land, streamline forestry legislation and, if you'll pardon the pun, clean up the Lakes and Rivers Improvement Act, and make other necessary housekeeping changes to this legislation. They will do this by clarifying roles and responsibilities, by making improvements to acts that are older or unclear, and by increasing efficiency.

Overall, the Ministry of Natural Resources schedule of amendments will affect 17 pieces of legislation and eliminate unnecessary regulations. Consolidation of regulations is consistent with the government's commitment to reduce the cost of government while improving customer service.

Through our red tape changes, we will improve our efforts in a number of important areas. We will improve the land use planning process for crown land and set clear rules for appropriate environmentally sensitive development, and give industries working on crown land more certainty about making business decisions. This will be accomplished by giving the Ministry of Natural Resources

clear decision-making authority governing the use of crown land based on a land use planning process. In addition, provisions will be made both for public notification of proposals to approve or amend land use plans and for greater flexibility in dealing with commitments and objectives to land use plans and activities.

Our changes will update Ontario parks legislation to increase maximum fines for damaging natural or cultural heritage found within the parks and other offences. It will increase these fines from \$5,000 to \$25,000 and it will also allow the ministry to enforce cleanup and repair orders to our natural heritage.

We will also change and update some of the terminology, in particular pertaining to the classification of provincial parks and parkland. These changes will bring the legislation up to date with current planning processes.

We will improve the Lakes and Rivers Improvement Act to emphasize public safety and add the ability to issue a stop-work order consistent with protecting public health and safety and our natural resources. As well, our changes will make the act clearer, more accessible and more easily understood by the general public.

The approval process for undertaking work or construction in water will be clarified and simplified. The changes will also help make it easier to deliver a more efficient, one-window approach to permits and approvals through the Ministry of Natural Resources.

We will streamline forestry legislation by reducing 11 acts into five acts. We will accomplish this by repealing the Spruce Pulpwood Exportation Act and the Settlers' Pulpwood Protection Act, because the Crown Forest Sustainability Act covers these acts, and by repealing the Forestry Workers Employment Act, as current labour legislation also addresses this matter.

We will consolidate several forestry acts relating to forest management on private lands into a single act. Pertinent sections of the Forest Tree Pest Control Act, the Trees Act, the Woodlands Improvement Act and the old Forestry Act will be incorporated into the new act. The new act will be clearer, easier to understand and more accessible for municipalities and regulated parties. Obsolete and redundant provisions will be eliminated.

Our changes will remove unnecessary work in declaring restricted fire zones under the Forest Fires Prevention Act. Restricted fire zones are a tool that the Ministry of Natural Resources uses to help protect public safety during forest fire emergencies. The restricted fire zones will be declared by order rather than through regulation.

We will follow up on earlier changes made to the Conservation Authorities Act that clearly identify flood control and protection as provincial interests in conservation authority matters. As well, our changes will give participating municipalities full responsibility for other conservation authority program decisions. I'll address those changes in just a moment.

We will streamline crown lands administration. Among other things, we will allow for the release of reservations on lands previously sold by the crown where no such release was legally possible before.

Our changes will clarify certain provisions of the Mining Act. They will allow for the consolidation of three regulations covering the disposition of crown-owned oil and gas into one regulation.

Finally, we will give some additional responsibilities to the Association of Ontario Land Surveyors. Under the proposed changes, the association will be responsible for developing regulations that set standards for monumentation in subdivisions and other development areas. "Monumentation" refers to the physical reference points placed during the surveying of land. The association has the expertise and the experience to administer these standards, and any proposals made will be subject to government approval before being implemented.

Some of the most significant changes proposed in schedule I are related to the Conservation Authorities Act, and I'd like to speak about those briefly. The amendments proposed in the bill will clarify the role of conservation authorities in hazard management consistent with the provincial interest in provincial policy statements.

Regulations on fill and construction will be revised to focus on important wetlands, shorelines and other natural hazard areas.

Approval of conservation authority regulations will be streamlined. Municipalities in a conservation authority watershed will have at least 30 days' notice of proposed budgets and levies, and the province will remove itself from involvement in conservation authorities business that is not directly related to provincial interests.

The consultation on the former Bill 119 resulted in a number of changes to the original conservation authority material proposed by the ministry. For example, the ministry acted on suggestions to further clarify the conditions for enlargement and amalgamation of conservation authorities; to allow CAs to issue and enforce conditional permits; and to focus CA authority to regulate within river and valley streams.

These changes clarify and focus the regulatory jurisdictions of conservation authorities, provide a mechanism for one-window delivery of permits and strengthen the enforcement capabilities of conservation authorities within their jurisdiction.

There are many other important amendments that are part of schedule I. In summary, the Ministry of Natural Resources red tape changes will consolidate a number of acts into simpler, more focused legislation, remove unnecessary regulation and improve government by both increasing fines and strengthening the ability to control activities related to our natural resources.

The changes will also create new opportunities for business and industry involved in resource management activities, and of course the Ministry of Natural Resources will maintain its ability to manage natural resource sustainability in this province.

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**Mrs Johns:** On a point of order, Mr Speaker: I'd like to introduce Mark Montague, the past president of the Municipal Electric Association, in the east lobby today.

**The Acting Speaker:** Questions or comments?

**Mr Mike Colle (Oakwood):** I was taken aback by the member for Huron's attack on Bill Davis and his legacy. He talked about mismanagement and lost years. The Suncor decision of Bill Davis was certainly a mistake, but I think Bill Davis can be remembered as a Premier who did a lot of good things. To characterize his time as Premier as lost years I don't think is appropriate, and I would think that Mr Davis, as Premier, did a lot of good things. His mistake with Suncor is only a small part of his legacy.

In terms of red tape and this bill, the funny thing is that it's 198 pages, so we're introducing mounds more red tape to eliminate red tape. If I saw the regulations that would go as accompaniment to the bill — this is basically the shell of the bill — I'm sure the regulations would probably reach the ceiling. I wonder how you can eliminate red tape by expanding red tape to details like the inclusion of cherries and grapes and so forth in the distillation of liquor.

I think what this bill is really all about is consolidating more power in the back rooms of this government. That's what it comes down to. It's not about eliminating red tape; it's about putting power into the hands of the whiz kids, into the hands of ministers' aides, and very little power up front where people can question it and understand it. This bill doesn't help the average consumer understand what this government is doing. I think it's going to make life much more complicated.

**Mr Wildman:** I listened very closely to the comments of the two members of the party supporting the government bench speaking about this omnibus bill. Neither admitted the problem with omnibus legislation that we have seen time and again with this government, that they have enormous pieces of legislation to cover all sorts of matters, myriad other pieces of legislation, and it's inevitable that they make mistakes. There are mistakes involved, which they sometimes try to rectify by bringing in myriad regulations. So while this bill purports to get rid of red tape, as my friend from Oakwood indicated, it really probably produces more paper and red tape.

This is an attempt by the government to get rid of a number of pieces of legislation, some of which are not important but others which are quite important, and lump those all together. A lot of what is considered red tape by this government is protection of workers, consumers and citizens. One thing we have to consider is that governments, when they pass legislation and pass laws, do it for reasons — they don't just do it because they want to pass laws — and sometimes those reasons have passed and are no longer applicable. In those cases it makes sense to get rid of no-longer-necessary pieces of legislation or regulations, but in other cases they are still required and needed. For instance, not one of the members mentioned why they're getting rid of the P and P committee of cabinet. I'm curious about that.

**Mr Doug Galt (Northumberland):** I'd like to compliment the four speakers on an excellent presentation this evening on red tape and some of the problems the government and the people of Ontario have had with



excessive red tape. Across the way they're complaining about this bill. The bill is almost 200 pages, 198 to be exact. That in itself is indicative of why it's necessary to get rid of this red tape. Look at the quantity here, if nothing else.

If you want to get a definition of red tape, we're really talking about unnecessary regulations, regulations that don't make any sense. I can assure you, we certainly have a large number of regulations on the books that don't make an awful lot of sense. We have regulations on agricultural waste, and the Minister of Agriculture is really frustrated over this whole area. If a cow passes some manure at home in the barn, you can spread that in the field, but if you take her to an exhibition or take her to a fairground, it's waste that has to go to a landfill site. I know that as Minister of Environment you tolerated that, when in fact that manure should be taken to the farm and spread properly. That's exactly what we're doing, changing such definitions as that and getting rid of some of the ridiculous red tape we've had in the past.

Also, if you were to spill water out of a watermain that's chlorinated, it's now considered as a hazardous waste and has to be cleaned up as such. The previous Minister of Environment, the member for Algoma, tolerated that kind of thing. Just because pure drinking water had a little chlorine added to it, they would put up with that kind of red tape.

The public is totally fed up with that kind of foolishness. Red tape is the kind of thing that has been killing industry, that has been killing small business. It's time it was gotten rid of.

**Mr Michael A. Brown (Algoma-Manitoulin):** We obviously have here an omnibus bill. These things used to be handled a different way around here. What used to happen was that if the government wanted to get rid of red tape — and goodness knows there was always obsolescence, always things happening that didn't make much sense.

#### *Interjection.*

**Mr Michael Brown:** He talks about the NDP. I will say that the NDP had an omnibus bill — I forget the number — that was bigger than this. They went around to the opposition critics with it and said, "Have you got any problem with any of this?" They went section by section. If I recall, they said, "If you don't like it, we'll take it out; we want a consensus on this bill," and when it went through the Legislature it passed in about an hour, because there was some thought put into it. That's the way omnibus bills used to be put through this place. You wouldn't be back reintroducing the same bills again if you had dealt in such a manner, but of course this has some contentious parts.

One of the things that concerns me is this is not so much about reducing red tape, although I'll grant you there are some things in here that should be long gone; what it's about is giving ministers an unbridled ability to raise fees. It is a tax bill, if nothing else. Under 40 statutes, this piece of legislation gives the minister — not cabinet, not legislators — the right to impose any fee that

he or she decides. I suggest to you that this is a tax bill. This is a bill that will provide for taxes on Ontarians without any review by anybody — not cabinet, not the Legislature. Ministers will impose these taxes.

**The Acting Speaker:** Member for Hamilton West, you have two minutes to respond.

**Mrs Ross:** I listened with interest to all the members, from Oakwood, Algoma, Northumberland and Algoma-Manitoulin. This bill is about reducing red tape and eliminating barriers to creation of jobs and growth. The responsibility of the Red Tape Commission was to look at pretty much everything government does and look at some of the restrictions we put on people, on business and on organizations and find out if they were outdated or old or outmoded and update those things and modernize them.

For example, one of the things we did was look under the Corporations Act: "A corporation is allowed to hold directors' meetings by telephone or other means of communication and to keep corporate records at any place where there is electronic access from the head office." That absolutely makes sense in the age of technology. You have to update and upgrade your systems and keep pace with what's happening in the changing environment, so those are the kinds of things we're doing in this red tape bill.

The other thing is that it looks at all the things — for example, when we look at the consolidation of health boards, it references the boards that are being amalgamated or changed so that they refer to the new board. That makes absolute sense. Why wouldn't you do something like that in a red tape bill to eliminate all the confusion that would arise out of something like that?

This whole bill is about looking at things that are outdated and outmoded and modernizing them, bringing them up to date, making it easier for business, for people and for organizations to conduct their business and to do business, and at the same time making sure that consumers are protected throughout everything we do. This whole bill is about eliminating obsolete provisions and achieving harmonization with other statutes.

#### **1920**

**The Acting Speaker:** Further debate?

**Mr Colle:** I think governments have to do this; they have to go through legislation to see what is redundant and what is out of date. I should mention that one of the aspects of Bill 25 that I think is going to be part of further bills — section 7 deals with the Evidence Act. Essentially the government is now going to allow CD-ROM disks and other electronic innovations to be acceptable. That is an area which will no doubt have to see further revisions, because certainly the whole area of electronic business and electronic commerce is growing. That is one small part of this bill, but it's part of this bill that I can see as being reasonable. Governments will have to undertake to explore ways of accepting electronic information and electronic transactions as being part of everyday business.

In general, the bill looks at government trying to be more citizen-friendly; at least that's what they claim they're trying to do. But what I find most difficult about

this bill is that it talks about ministerial powers over and over and over again, listing ministerial powers one after another. It's "powers of the minister," "minister's orders," "conferring on the director," "specifying the manner," "specifying the manner in which property identifiers are to be assigned" — the most intimate details or tiny bits of information are now under the powers of the minister.

I wonder whether the public will have any recourse to find out, first of all, what the minister is actually doing and then if they can question or challenge the minister's decisions, because most of these ministerial decisions will be made behind closed doors where they won't even be accountable to the members of this Legislature. Ministerial power is the predominant theme of this bill, and it's repeated on almost every page. "The minister may make regulations" — the minister's powers, the minister appointing, the minister regulating.

That kind of trend is not the trend the public wants. The public wants more accountability for ministers so they know what the ministers are approving, so they know what ministers are signing. This bill goes in the opposite direction. It just gives more extraordinary powers to ministers who already have extraordinary powers.

The genesis of this type of omnibus bill, which includes hundreds of tiny statutes, goes back to a trend that this government started with Bill 26. With Bill 26, another omnibus bill like this, what they tried to do, basically, was take power away from the Legislature and even away from cabinet and give it to the Premier and to the people in his office. That's what this omnibus bill reinforces, that trend by this government to centralize power. As you know, the hallmark of this government has been centralization of power.

It's ironic. Originally, the claim of most of the members on the other side was that they were going to be about smaller government, they were going to be about getting rid of government, but they have created some of the biggest governments ever seen in this province.

If you look at the mammoth school boards they've created — in the city of Toronto we have a public school board with 300,000 students. How can that be good for ordinary students and parents? How can you access the powers that be if you're one of 300,000? How would you ever have a hope of getting a fair hearing when you're one of 300,000 students?

This is what this government has done. If you look at hospitals, they don't like the small community hospital. They've centralized power into mega-hospitals. In the city of Toronto, we're losing 11 hospitals. We're losing the small community hospitals, like Runnymede hospital being closed down, Northwestern closed down, Doctors Hospital being closed down. All these hospitals were linked to the community, but this government says, "We've got to make things bigger and better."

This is what this bill does. It tends to centralize, whether it be the powers of a ministry, the powers of one individual or the Premier's office. That means the public doesn't have the ability to find out — never mind what's in this bill; you can imagine the public trying to find out

what the regulations are all about. You'll have to hire a lawyer or lobbyist to get informed, because it is very complicated when you try to find out what a minister has passed.

I can remember that a few months ago in the *Gazette* there was a one-liner that said, "We have deregulated the moving industry." Because of Bill 26, the Minister of Municipal Affairs has the power to do almost what he wants in the area of municipal regulation. With the moving industry, people would hire a moving company, which would have to have a licence to operate that moving company. But with one line in the back room of the minister's office, you don't have to have a licence to operate a moving company in this province now. I tell people who are seniors, who are vulnerable, be very careful when you hire a moving company because you may never see your furniture again, because they now no longer need a licence to operate in this province.

It's the same with courier companies. At one time, courier companies required a licence to courier your valuables in this province. Through regulation, in the minister's back room, courier companies are no longer required to be licensed in this province. If you've got valuable documents to ship in this province, be careful, because the companies don't have to be licensed.

This is what this bill continues. It continues to put extraordinary regulatory powers in the hands of the minister who, on a whim, can change an industry, can change consumer protection, eliminate consumer protection.

This bill also talks about the Ontario Energy Board. I had wished that perhaps in this bill there would be some protection for consumers against those rip-off gas brokers who go door to door claiming to save all kinds of money for consumers by switching to some fly-by-night gas company. In this province so many seniors especially have been victimized by these fly-by-night gas brokers who go to the door and say, "I'm from the gas company; you've got to let me in." The poor consumer feels they probably represent one of the recognized gas companies. Well, they don't. They represent a paper company that is just going door to door trying to get people to switch from one company to another. What they've even done — and I see this bill does nothing to protect them — they issue these cheques to people for \$40. They said, "If you cash this cheque, you've just won a cheque for \$40."

What's happening to the poor consumer is that when they cash that cheque, they find out they're now a member of this other gas company and are now under contract; when they took that \$40 cheque to the bank and cashed it, they were now signing a contract with that company, and they had no idea where that company came from. Many of these companies don't even have offices; they're just boiler rooms. This is the type of consumer protection that this bill eliminates. Where is that in this bill?

In small towns like Listowel and all over this province, they're going door to door and saying: "Sign up. You're going to save money if you sign with this gas company." There is no attempt to regulate that or protect consumers in this bill. That's the type of thing that could have been



included in this bill because consumers all over this province are really being set upon by these door-to-door scam artists who are claiming to be from the so-called gas company. How many people have been scammed by that already to the tune of how many dollars, where basically they signed contracts for life? It's an eight-year contract if you cash that \$40 or \$20 check. You're in an eight-year or 10-year contract to get gas from some fly-by-night company.

1930

This government has refused to step in and stop that. That's the type of consumer protection and the kind of action the minister should take, but there's no mention of that in this bill whatsoever.

Another thing that's not in this bill: If you talk to ordinary working people, they say what is wrong in terms of dealing with a ministry is, "Don't dare phone a ministry after 4:30." If you can't get through from 9 to 4:30, you have no hope of ever pleading your case or going to see a ministry official. Almost all of them shut their doors and the phone is on voice mail hell after 4:30. That poor citizen who wants to talk to a real live person on the phone or take their complaint to an office, the Ministry of Finance or the Ministry of Transportation, for example, can't get to see anybody, because the vast majority of ministry offices still operate on the basic principle that everybody works 9 to 4:30 or whatever the hours are.

Wouldn't it be wonderful, if they really wanted to be consumer-friendly, to start opening government offices? Can you imagine going to a ministry office at 8 o'clock at night when you've come home from work, that you could actually do that? There's got to be more of that. There isn't any mention of that in this bill in terms of opening up these offices. Let people work in different, perhaps modal, shifts so they can see the customers, who can't always get there before 4:30. That's a very common complaint I get from people.

Another thing in terms of delays is when you try to do something, for instance, like property assessment. It's going to take years for all these appeals to go through, to get a proper hearing. If you look at the red tape in the assessment system in this province, it's greater than ever, because they just passed four bills on property assessment. How an ordinary citizen is going to make any sense of the property assessment system in this province is beyond me. They have not made that any less cumbersome. In fact, it's even more complex with all the amendments and the new bills and the omnibus tax bills, bill after bill after bill.

This is a government that claims to be against government and legislation. As you know, they changed the calendar. They've got the new Thermidorian calendar here, where they've got two days in one, so they can pass more bills. They love passing bills. They're addicted to passing, jamming them through. They not only pass them but force them through here in closure after closure, which means you can't debate bills. This is the hallmark of this government. The government likes to shut down debate because it loves to jam bills through, bill after bill after bill. This government is addicted to that.

They feel they can re-engineer the world by legislation. That's why every day we sit here and we see bill after bill after bill. These guys are in love with government. That's all they want to do, legislate, legislate, legislate, and they're the ones who say, "Oh, we're against government." They're addicted to government and government control.

The worst thing about it is that the control is not in the hands of the ordinary MPPs. The ordinary MPPs on both sides know that the control is the hands of the whiz kids, those unelected, faceless whiz kids who lurk in the back rooms of the Premier's office. That's who makes all these fancy rules and regulations. That's who passes bill after bill after bill, trying to give more power to unelected officials and to ministers and make things more difficult for scrutiny. That is what this omnibus bill is about. That was the tone set by Bill 26, which shifted power away from this Legislature into the back room, where the whiz kids control things.

That is what they call red tape. If they were really interested in red tape, wouldn't it be interesting to see a bill that would constrain and control the power of the whiz kids? That would be an interesting bill for you to pass. I would like to see that come forward in a private member's bill from the other side of the House, a bill to restrict and control the power of the unelected whiz kids in the back room of the Premier. That would be a wonderful bill. We would support that bill. I think that bill would get unanimous approval, a bill to restrict and control the power of the unelected whiz kids in the back room of the Premier. That bill would probably get speedy passage and there would be unanimity on that bill to control and restrict the power of the whiz kids. I wonder who has the courage to introduce such a bill. I wonder who has the courage to stand up to that type of regulatory control.

This bill doesn't mention the whiz kids at all but we know they're lurking behind it, because when you push power back into the minister's hands, when you give more power through regulation, you know who's making those regulations. It's the whiz kids, the unelected, self-appointed power brokers of this government, behind closed doors. That is who really runs this province right now.

Another very prevalent thing in this bill is that it talks about giving all kinds of technical powers to unelected officials, like the registrar general. Do the people of the province know who these registrar generals are, how they get appointed? Who is this registrar general? To whom is he or she accountable?

Immense power: "The registrar general may by order...set and collect fees for services...provide for the waiver of payment..." This person, the registrar general, can decide what you pay for things the government gives you. They can set these fees. They can also say you don't have to pay a fee. That's the power this bill gives to this unelected — who is the registrar general? Who knows that? Mr Speaker, I don't know if you know. I don't know who the registrar general is and where they came from or who they are, where their office is, but this bill gives them immense power.

The people of Ontario will only find out when they have possibly been hard done by and it's too late, because this bill gives people like these registrars general much more power over their daily lives. That is not a good thing, to see power continually given into the hands of unelected, faceless, nameless people who have this extraordinary power over our daily lives and over our businesses big and small.

I'm surprised that some of the supposed exponents of small government would favour that type of approach in this bill. Why would you give someone who's not elected, who nobody knows, this mystery person, this kind of power? Who do you call? What's the name of this person you call? That would be interesting to put in this bill, to name this person, who he or she is who has all this power.

**Mr Michael Brown:** We should have a quiz show.

**Mr Colle:** We could have a quiz show: Who is the registrar general? Is there one or two or three or five of these registrar generals? Where are they? Are their offices in Sarnia? In Scarborough? Where does this person hide out who has all this power?

**Mr Derwyn Shea (High Park-Swansea):** Mike, where have you been for the last hundred years?

**Mr Colle:** For all I know, maybe he or she is in Swansea, with all this power. We have no idea where these people are. Never mind where they are; we have no idea where these people lurk and who they're accountable to and who makes phone calls to them.

I'm sure the whiz kids know who they are. The whiz kids have a direct hotline to them. But ordinary MPPs and ordinary Joe and Jane Citizen can't get hold of the registrar general with a phone call or a fax or an e-mail, because we don't know who they are. We have no idea who these people are. This bill has given them extraordinary power, and that is not good government, when you give unelected, faceless people extraordinary powers.

1940

One of the members talked about jobs, that this bill will create jobs. I was looking for the word "job" in this bill. It's 198 pages long, and I couldn't find the word "job." Why is the word not in here? If this bill is about jobs, where is the word "job" or "jobs"? How can this be about jobs when it's not even in there?

Maybe the jobs are in the registrar general's office. How many people work in the registrar general's office? Maybe that's where the work is: "Help wanted: whiz kid to work in the registrar general's office." Maybe that's what you do. That's what I'll ask people across this province to do: If you want a job, phone up the registrar general. I'm sure he or she has got all kinds of jobs, but you have to be a whiz kid. What's a whiz kid? It doesn't say in this bill, so we'll have to find that out.

In terms of jobs, sure people have jobs, but do you know what they tell me? They tell me they're working for minimum wage. If a job were posted in the front window of a government office, the Ministry of Agriculture or the Ministry of Education, or let's say a company in the private sector, a car company, that said, "Help wanted: decent wage for full employment, five days a week, with

full benefits and \$12 or \$15 an hour," I bet there would be about 10,000 people lined up at that front door. People tell me that when they apply for a job, they're always one of 2,000 applicants; they get turned down. They're one of 500 applicants; they get turned down.

A lot of these so-called jobs out there are those bottom-end jobs, and do you know what happens with those jobs too? In some of these jobs they beg to work 40 hours a week. Their employers only allow them to work 20 hours a week because they're spreading the work around. Maybe the employer has a difficult time doing that and I can understand that difficulty, but these ordinary workers are saying, "Please —"

**Mr Wildman:** The employers don't have to pay benefits then.

**Mr Colle:** Right. They don't have to pay full benefits if they only work for 20 hours. That's the game some employers play.

People in the streets of Toronto are saying: "If I could find that job that gives me full benefits, gives me a living wage so I could pay my rent, pay my mortgage with, put food on the table, I'd love that job. But right now I'm working for \$7.50 in a grocery store and all I can get is 21 hours a week." That is what is happening.

It's too bad that this bill didn't talk about providing jobs that have full benefits, where people could work those 40 hours they want to work. That's all they're asking for. They're not asking for any government handout. They're saying, "Government, start making it possible that people get real full-time jobs, with full benefits, that give people respect and respectful return for their hard labour." Too many jobs around right now, as I said, are barely making it possible for people to put food on the table, and I'm not exaggerating. That's where they're at with \$7.50 or \$7 an hour. You can barely put basic food staples on the table.

I don't think we should be patting ourselves on the back; the government shouldn't be so proud. There's so much more work to do and work to create, because it is not okay yet. The jobs that have been created are not enough to satisfy all those who are desperate to work. Don't finger-point at these people and say they don't want to work. These people would do anything to get that full-time job. That's what you should be trying to do in these pieces of legislation. But again, I see nothing in here that's going to do this.

Part of the bill here talks about the Public Hospitals Act. I went to the public hospital meeting in my area last week and asked the auditor of the hospital board: "People in my area are complaining that you're laying off nurses and firing orderlies, but you gave a 10% bonus to the hospital executives. How could you do that?" He said: "It's none of your business. I don't have to talk to you about it." That's what the auditor of the hospital said. I said, "It's a public hospital."

Maybe that should be in this bill, to make it mandatory for these members of hospital boards to answer questions of the public, because senior citizens in my area are saying: "How can they afford to pay bonuses to hospital big-shots who run the hospitals?" Some of them make



\$200,000 a year and they get a bonus, yet the nurses are fired, the orderlies are fired, and they've got no money for emergency room services. But the hospital board can afford to give bonuses to the managers, the president, vice-presidents, the big-shots of the hospital. I don't see any attempt to make that possible whereby a citizen can go to the hospital board and say, "You justify to me how you can give a bonus to your chief executive and get rid of 10 nurses." He said, "No, it's none of your business." That's what they said at the public meeting: "We don't have to tell you. We gave them a bonus. That's our business."

That is the attitude now prevalent in this province, because this government has given the hospital big-shots the opportunity to do what they want and there is no accountability, just like there is no accountability with the other people given extraordinary powers in this bill. I would hope to see that bills like this make hospitals and their boards more accountable, because they are still public hospitals. The last time I checked, the hospitals are still owned and supposedly under the control of the public. But last week at our Humber hospital, they refused to even tell us how much they gave in bonuses and to whom. They said: "We don't have to justify anything to you people. We're in charge here."

To me, that is what red tape is all about. If you want to eliminate red tape, that's the kind of red tape that should be eliminated in this province, whereby faceless, appointed bureaucrats and high-paid executives who work for public corporations are made accountable to ordinary taxpayers, who are really wondering how they can justify giving themselves pay raises and then cutting beds in hospitals and not having room in emergency.

This is not something the public will accept for long, and I don't see anything in all these omnibus bills you have passed, and this one you're trying to pass, that will at least try to open the door to these boards and these faceless, bureaucratic cliques that are starting to run this province. The public will not be able to keep them accountable because more and more power is given every day to these cliques that run this government.

Talk about hours of operation: Under the former government, in my area there were a couple of Ministry of Transportation offices where people could go and get their licences. In the last couple of years they've closed them down. There's only one in this huge catchment area. You line up and the people in there — I mean, even getting a smile out of them is impossible, because they're so overworked. There's now just one office and the other local ones are all closed and the hours of operation are never amenable to the public, yet this government says, "We're open for business." They're closing these offices. They're closing down places where people go, to get their licence or to get some information, maybe a driver's test booklet. You can't say you're open for business when you're closing government offices and you don't extend the hours. People in my area are very upset that this government, even without informing the local member, closed the Ministry of Transportation office that used to

be on Oakwood Avenue. They just closed it in the middle of the night without any kind of notification, and this government says it's open for business.

Well, in this place here they're closed for business. They could probably do a lot more good for themselves and for this province if they made the government more accessible. Not everybody can afford to come downtown to do business. Not everybody can come to Toronto. We've got to have the local neighbourhood offices where people can go and get government services.

#### 1950

This government seems hell-bent on consolidation, as they call it, making these mega-centres. They assume everybody is going to do things in a centralized office. People don't like over-centralization. Even in a place like Toronto, which supposedly has everything, a lot of neighbourhoods in this city don't have everything, and this government is systematically closing down access to government ministries. We would like to see government offices open in neighbourhoods rather than closed, but the trend with this government — as I said, it's in love with over-centralization, in love with putting everything under one roof so it can control everything. What about public service? What about that ordinary citizen who wants to walk down to Main Street and get that service?

This bill does nothing to improve that kind of ordinary, everyday service. We're not talking about the service the big Bay Street lawyers want. We're talking about service that citizens want. They want to find out, for instance, about their tax bill, about the assessment system in this province. They want to find out how that kind of stuff out works.

Try to get hold of an assessment office in the city of Toronto or in Ontario. They've got you on this voice mail run-around for months. You can't get through to find out how this new assessment system works. People have been trying for three months to get a phone call in to the assessment office. There is only one and it's way at the other side of town. What about getting people some information about what's happening with things like that? But that doesn't fit the cookie-cutter approach of this government.

They talk about the Pharmacy Act in here. For instance, right now there are people interested in getting alternative medicines. They want to look at complementary medicine. I hope the government will move towards that, allowing people who perhaps believe in an alternative, complementary medicine to access that and find out about these complementary medicines at some government office. Right now they can't get any information about whether a non-prescription vitamin or drug or something is good or bad. They can't get through. They get nothing but bureaucratic answers or, as I said, they get this voice mail run-around and people just give up.

This bill is supposedly an attempt to get rid of red tape, whatever that means, but the most interesting thing is what's not in there. It's the immense continued trend toward more ministerial power in every aspect of government. If you think you're going to escape this, people out

there, you can't escape this government's attempt to centralize power. With every part of your life, this government will be in there. The problem is that you won't know who these faceless people are.

The Loan Brokers Act, the Marriage Act, the Mortgages Act, Motor Vehicle Dealers Act, Ontario New Home Warranties Plan Act, the Corporations Act, the Consumer Reporting Act, Collection Agencies Act, Change of Name Act, Costs of Distress Act, Extra-Provincial Corporations Act: It amends act after act affecting people — the Courts of Justice Act, the Coroners Act, Public Accountancy Act. Who is going to know what's in this? They even go into the Drainage Act and the Sheep and Wool Marketing Act. I wonder how many people will know what these changes are that are going to affect their lives.

It's good to make changes. We're all in favour of making good changes, but the question that really arises is: "If these changes are now under the auspices of a faceless, nameless, appointed bureaucrat, how will I know whom to call? How will I know whom to complain to if I don't like the wool act, if I don't like the changes to the Marriages Act?" They will not know whom to call because they have no idea due to the complexity of this government, the complexity of these acts, and the fact that this act is part of a trend whereby power is now somewhere in these back rooms and offices and we have no way of accessing them, whether we're members of provincial Parliament, whether we're on either side of the House or we're ordinary citizens. That is the fearful part of bills like Bill 25. I hope the public will ask questions and try to find out, and maybe this government will reveal the name — I dare the government to reveal the name of the registrar general. Let him come here. That is my challenge: Let him come here.

**The Acting Speaker:** Further debate?

**Mr Michael Brown:** I start out by reminding members we're speaking to Bill 25, which is An Act to reduce red tape by amending or repealing certain Acts and by enacting two new Acts.

I don't know whether members have really read this thing or had a look at it, but I would submit to you that much of what this is about is about fees. It's about setting new or enhanced fees on at least 40 statutes.

I like this. This is reducing red tape. I bring your attention to page 96, the Theatres Act. This is heavy duty reduction of red tape, I'll tell you. It says,

"270.2(1) The deputy minister may appoint a person as the director to administer and enforce this act and the regulations." That means you get to have a director. That's helpful. It moves the concentration of power down a little.

"(2) The director has all the powers of an inspector." That's really helpful too.

**Mr Gilles Pouliot (Lake Nipigon):** What about ushers?

**Mr Michael Brown:** "What about ushers?" he says. No.

"(3) The deputy minister may appoint an assistant director who shall act as director in the absence of the director or when so instructed to act by the director."

**Mr Wildman:** This is creating red tape.

**Mr Michael Brown:** This is reducing red tape.

"(4) When acting as the director, an assistant director has all the powers of the director." That's really good.

"271. Subsection (4)(1) of the act is amended by striking out 'Lieutenant Governor in Council' in the first and second lines and substituting 'director.'" That means the director can set the fees; the cabinet does not need to.

Then we go to section 272:

"Subsection 9(2) of the act is amended by striking out 'prescribed fee' in the fourth and fifth lines and substituting 'required fee.'

"273. Subsection 12(1) of the act is amended by striking out 'prescribed fee' in the fourth line and substituting 'required fee.'

"274. Section 13 of the act is amended by striking out 'prescribed fee' at the end and substituting 'required fee.'"

"276. Section 25 of the act is amended by striking out 'prescribed fee' at the end and substituting 'required fee.'

"277(1) Subsection 28(1) of the act is amended by striking out 'prescribed fee' in the fifth line and substituting 'required fee.'

"277(2) Subsection 28(2) of the act is amended by striking out 'prescribed fee' in the fourth line of the portion after clause (b) and substituting" — what? — "'required fee.'"

It goes on and on and on. What this is about is taking any kind of public accountability, placing it in a nameless, faceless bureaucrat, and charging increased fees: fees that this government, that this Premier when he was on this side of the House, used to call taxes.

I find this strange. There is no requirement anywhere in this act for a fee to reflect the cost to government. A fee should, in my view, reflect the cost of providing that service. If it is more than that, Mr Speaker, I think you would agree that it is in fact a tax.

I think parliamentarians all over the world have to consider this particular question. In the British tradition, Parliament is supreme; only Parliament can raise taxes. What we are doing in this bill and others that the government has brought before us is devolving that power to directors and to other folks who are the chief honcho, for want of another word, of their particular empire.

**2000**

**Mr Wildman:** The grand Pooh-Bah.

**Mr Michael Brown:** The grand Pooh-Bah. What this means is that there is no accountability anywhere in the system to Parliament for charging new taxes. Frankly, I think the public should be very concerned because we have seen at least 300 to 400 new fees and taxes imposed by these very measures across Ontario, with no accountability whatever to the people of Ontario, to the Legislature. In most cases, the public doesn't know until they actually are forced to pay it, and then they call my office or one of the other members' offices —

**Mr Richard Patten (Ottawa Centre):** My office.



**Mr Michael Brown:** — they call your office too — and say, “Wow, \$100 for that?”

I raised this issue in the Legislature not too long ago, which is that under the former government, a fee was imposed for probating wills. It was set at a percentage of the size of the estate. I'm not a lawyer, but what that means is that the will is authenticated by the registrar in the particular jurisdiction you're in, and whether that estate you are to deal with is worth \$10 million or \$100, the cost of authenticating the will as being the true will is the same. It has nothing whatever to do with the size of the estate. In Quebec, for example, they do the same service for \$45. It doesn't matter whether that estate is billions or whether that estate is \$50, because what the registrar is doing is just authenticating that the will is the will. It makes sense.

Why would we have a different fee depending on the size of the estate? We would have a different fee if you chose to have a tax, if it was in fact a tax, would we not? That is a tax, because the cost of providing the service is the same.

This is being taken to court at the moment. It's being challenged in the courts, and it has to do with the right of Parliament, and only Parliament, to tax.

I would have thought that this government that seems so incredibly concerned with taxes may have addressed that particular situation in this bill. But lo and behold, although it is almost 200 pages long, mostly referring to required fees rather than prescribed fees, we're finding this government is addicted to fees.

You'll know that what Bill 25 really is about is completing the unfinished provisions of Bills 114, 116, 117, 118, 119, 121 and 122, which were left over from the last session. As you know, by putting them all into this one bill, we are supposed to deal with it expeditiously, I suspect. But I'm not so sure that is in the interests of the people of Ontario because, as I mentioned, this has more to do with consolidating and centralizing power in the ministries of the provincial government than it has anything whatever to do with making sure we have less red tape.

We can go through this. Schedule A, the Drainage Act, is amended to exempt municipalities from sending engineers' copies to affected land owners whose properties are assessed at a value of less than \$100. I think that could get through here like a shot.

But this is interesting: The Drainage Act is amended to allow the minister to pay a subsidy of any amount less than the current 50% on approved drainage projects. This will be of particular interest to the people of the old Carnarvon township, in particular in Mindemoya, where they have a flooding situation that has occurred three of the last four years. It has been aggravated by provincial works. The province has reconstructed the highway through there, and there has been a new water and sewer project go on in the village. That has fractured the rock in ways that obviously it wasn't before. It has changed the grade of the road. It has changed sump holes. It has changed much of the flow for the worse.

So every spring it appears that the businesses in Mindemoya, in this small hamlet on Manitoulin Island, are flooding. My friend Ben Wilson, who has had a huge problem over the last number of years at his store, and Kevin Mackan across the street, whose flooding has been aggravated by recent events, are hoping and the township is hoping that they can take advantage of the Drainage Act in order to make improvements that will at least mitigate this flooding, because it's not once in 100 years or once in 50 years or once in 25 years; this is a situation that goes on, it seems, every year. Something needs to be done. They will be concerned if the minister wants to provide them with less than the 50% that is provided for in this particular act.

If we go down, we find that the Attorney General is going to come into maybe the 1980s and allow for the electronic processing of writs and land registry documents. That's a good thing, but it's hardly a huge cutting of red tape, I would suggest.

It's interesting to note that cutting red tape includes repealing the Parks Assistance Act. Did you know that? I'll bet most people over on the other side didn't know that repealing the Parks Assistance Act is cutting red tape. The act was used to provide grants to municipalities and native bands to acquire parklands. I guess you don't need it if you're not worried about acquiring parklands, so that's unnecessary red tape.

The schedule in consumer and commercial relations makes 100 amendments to 30 ministry acts, almost all of which are extremely minor. Those are the prescribed-to-required fee type of things. That is not the stuff the great Red Tape Reduction Act needs.

The Ontario Energy Board Act is amended to allow the OEB to approve natural gas rates that use incentive or performance-based setting methodologies. I don't really know about that one, but I'm deeply suspicious.

The Ontario Energy Corporation Act is repealed. This is the one that gets everybody so excited over on the other side, because the Ontario Energy Corp was the corporation set up to buy the Suncor shares. This is the corporation that bought the Suncor shares, the oil company that Mr Davis believed the people of Ontario absolutely needed to have. I think the shares were sold in 1992 or 1993, finally. That was an expensive little venture into capitalism for that Davis government.

There are some consolidations of the Health Professions Act and the Ministry of Health Appeal and Review Boards Act. I'm sure these are important issues, but I'm sure the public would not find these to be terribly meaningful in terms of reducing the overall amount of red tape in the province.

But what catches my eye as the critic for natural resources are some of the items that appear in those issues. I see I'm just about out of time too.

**Interjection:** You've got 11 minutes.

**Mr Michael Brown:** Oh, I've got 11 minutes. We're okay.

The Conservation Authorities Act is amended to remove the need for provincial approval of the enlarge-

ment, amalgamation or reduction in size of conservation authorities and to allow CAs to enter into agreements to allow the oil and gas industry access to conservation authorities' oil and gas reserves. Pretty interesting.

**2010**

A controversial amendment to the Conservation Authorities Act will identify flood control as a provincial interest in conservation authority matters. The Minister of Natural Resources will now have to approve conservation authority plans, regulations and amendments impacting flood plains, shore areas, unstable slopes and wetlands.

The conservation authorities of Ontario believe this amendment will result in substantially more overlap, duplication and confusion between the role of conservation authorities and the role of the province in protecting these areas. I thought this was about reducing red tape. This apparently is about increasing red tape.

Conservation authorities are also concerned that this amendment will leave gaps that will result in the elimination of regulations while having polluted landfill buried near these sensitive water areas. This will be very hard for us to support.

At a minimum, the conservation authorities are terribly upset that the province didn't even talk to them about these changes. Wow. Do you see a pattern?

We do see some good things. We're going to see fines increased. The government likes to increase fines because that increases revenues as well as being a deterrent. Fines for damaging parks and natural heritage sites are increased from \$5,000 to \$25,000 under the Provincial Parks Act and fines are increased for violations to the Lakes and Rivers Improvement Act. Forestry legislation is to be streamlined a bit and moved from 11 major forestry acts to five. But most of these will be under the forestry industry act.

We are being sold, I think, a bill of goods when we're talking about this: 200 pages. Mr Sheehan would be somewhat disappointed because most of this has absolutely nothing to do with his report on streamlining red tape. This has to do with providing bigger government, more expensive government and more difficult government to access.

I want to say this, because I've had one of the strangest experiences since I've been an MPP in the last couple of days. It does have an amendment to the Liquor Control Act, and I want to tell you about this. You want to talk about red tape and government stupidity? I'm not blaming this government or any particular government, even a municipal government.

I have a situation in one of the towns I represent that has four licensed establishments today. Two are commercial, one is the Legion and one is the curling rink. One of the local entrepreneurs went out and spent some money and then applied for a liquor licence because he was going to ask for a liquor permit for his restaurant. Seeing as there was a lodge and a similar type restaurant already in the hamlet, he thought this shouldn't be a problem if he met the criteria and there weren't objections in the town.

The town gave him a letter of support and he trundled off to check all these things out and then sent his

application off to the new Alcohol and Gaming Commission. That's new. It's a bigger and better LLBO, I guess. But guess what? They wouldn't even take his application. They wouldn't take Bill's application. Ask me why, Mr Speaker. Why? Because the town's dry. They have apparently never had the plebiscite, or a successful plebiscite, in any event, to permit liquor licences to be available in the town. However, there are four establishments with liquor licences today. Of course the municipality would never have held the plebiscite because they have four establishments already there, so why would you think to have the plebiscite?

So we have poor Bill, and I don't know what we can do to help him out. I suspect the town may have to have the plebiscite, but there are four other licences. Reality is conflicting with bureaucracy here in a huge way.

That's the kind of thing that maybe we should be trying to figure out here. But no, nothing like that. They're talking something about including grapes and cherries or some sort of thing in the liquor act, which I'm sure is important, but it is not the kind of thing that Ontarians would find to be terribly helpful in reducing red tape.

On the subject of the Liquor Licensing Board of Ontario, I don't know if other members have noticed this, but I've had calls from constituents, from businesses. One person said: "I want to transfer the liquor licence from my wife to myself. She's not well. She's not able to look after the business as well and I'd like to do that. What do I have to do?" Do you know what? It will cost him \$1,000 to do that. He got the original licence two years ago for \$300, but to change just between himself and his wife it is now \$1,000. That is a government friendly to small business, I would suggest.

This bill should be broken up. There are clearly parts of it that all people could support and there are clearly parts of it that are unsupportable.

**Ms Marilyn Mushinski (Scarborough-Ellesmere):** Which ones do you support?

**Mr Michael Brown:** That's a conversation. The former minister says, "Which parts do you support and which parts don't you?"

When I started this out, I said that in the old days, prior to you guys taking power, what used to happen was that that question was the question. You would go to the critics of the opposition parties, you would canvass your own caucus, and you would ask: "Is there a problem with this? Should we do it?" You'd find that at least 90% of the information was quite amenable to all members. It was clearly red tape. It could be gotten rid of, should be gotten rid of and was gotten rid of, because the bill was then put before the House, just the parts that there was a consensus on, and the bill went through here in the space of an hour because there were not contentious issues put in here. But it would be very hard for somebody on the opposition side and I would suggest for a government backbencher to vote in favour of giving bureaucrats the unilateral power to raise fees without any kind of accountability to Parliament.



That's what this does. There is no accountability in this bill whatsoever. I think the public demands accountability. I don't think the public likes surprises. I think the public would like to know that they are getting value for money and that it's not just a tax grab. In these bills, I can't find any kind of accountability to anyone.

I would suggest to the government, why don't you withdraw this or at least put it on the back burner for a little bit, come across, talk to a few people? We could probably deal with this in an hour if you would withdraw the sections that we have some trouble with, and we would have a good bill. We would have a bill we could live with. If there were contentious parts of ministry policy you wanted to deal with, then you should bring a separate bill to deal with those. They could be debated intelligently on the basis of each and every individual bill.

I think that's the way to proceed. I think that makes sense — maybe not common sense from your perspective but perfect sense from ours. I would like to see the government and the government House leader come and have those conversations. Let's deal with an omnibus bill in the way an omnibus bill should be dealt with, and that's by consensus for the omnibus parts and breaking out into individual bills those parts that deserve individual debate, because no one can be an expert on something that changes 40 statutes. You're asking members to make decisions that frankly no one can make.

Thank you, Mr Speaker. I appreciate the opportunity to participate today, and certainly we're willing to hear the questions and comments.

2020

**The Acting Speaker:** Questions and comments.

**Mr Pouliot:** Both the members for Algoma-Manitoulin and Oakwood did persevere, and of course it can be a confusing bill. Before I go any further, I wish to commend — and they've been referred to as faceless, a name in the book — the bureaucrats.

**Mr Michael Brown:** Who are they accountable to?

**Mr Pouliot:** They're not to carry the guilt on it. It is the designers, the architects, the puppeteers, the conjurers of illusion — the government — which should take and must take full responsibility. Can you imagine the stress that one would be under, all the legalese, because here we have 198 pages, a litany of diatribes, a pêle-mêle, a potpourri of amendments, of messed-up previous endeavours that ends up in their laps. They border on the patriotic and I wish to commend them. They looked tired. Have a look at them. They're shells of their former selves.

They've been under a state of siege because the higher court has decreed that things must be changed, and under revolutionary times and circumstances things must be changed in a hurry and en masse. So I want to pay tribute to the bureaucrats who have persevered. They're true professionals and unfortunately, by virtue of that mandate, they find themselves at the mercy of a government which chooses to ignore debate. All they have to do is to go piece by piece and what you will have is the ready acquiescence of all parties.

On the other hand, there is so much that we can't swallow; ie, the unprecedented powers given to ministers. What we have is those ministers being able to dictate while bypassing the necessary discussion which is conducive to good legislation and good implementation.

I want to commend the members, but the government ought to be ashamed of itself for 180 pages —

**The Acting Speaker:** The member's time has expired. Comments and questions.

**Mrs Ross:** I listened very intently to the member for Oakwood and the member for Algoma-Manitoulin. I was quite surprised to hear the member for Oakwood go on and on about the unelected, faceless, nameless people, and the member for Algoma-Manitoulin as well. They're quite concerned about who this nameless, faceless person is, this unelected official, and they're worried about the accountability of the government. They want to know, who is this person?

I'm here to tell you who that person is. That person is the Minister of Consumer and Commercial Relations, not a nameless, faceless, unaccountable person, but someone who is fully accountable to this government and to the people of Ontario. I'm quite surprised that the Liberals wouldn't know that, or the members of the opposition. I'm pleased to inform them of something that's been the history in this province for a long, long time.

With respect to this bill, I might point out that if previous governments had looked at some of this legislation, we wouldn't have to go through this today; it would have all been done. But I want to really look at consumer protection. I want to talk about what we're doing to protect the consumer, and I'll just look at two minor parts of the bill.

One is the Real Estate and Business Brokers Act. The change in this bill will allow administrative authorities set up by this industry to establish consumer protection programs such as a compensation fund in which registrants would be obliged to participate. These compensation funds have proven to provide important protection for consumers, and I think that's a very significant, good piece in this red tape bill.

Again, I spoke to the Loan Brokers Act, that it allows the ministry to issue cease-and-desist orders against loan brokers who have a court order against them and have violated the law. I really want to make sure that the members are aware — they can look at their birth certificates, marriage certificates, any of those things — the registrar general's name is on there.

**Mr Alex Cullen (Ottawa West):** I am pleased to stand up and use my time to comment on the remarks made by my colleague the member for Oakwood and my colleague the member for Algoma-Manitoulin. They have clearly indicated in their remarks the kind of activities that are contemplated by this bill, which really is an omnibus bill that puts together eight bills.

Quite frankly, this being the anniversary of the Harris government's election some three years ago, one of the major themes this government ran on was reducing the presence of government in our communities. Instead,

what's happening with this bill and with many other bills is that we find more ministerial control, more government by regulation, the advance of government into regulation and taking away from more accountable bodies that citizens can approach and deal with.

Quite frankly, we discover elements of duplication even within their own legislation. I think it was the member for Algoma-Manitoulin who pointed out schedule I for natural resources and the comments that were made by the conservation authorities about what was happening in terms of conservation plans impacting floodplains, shoreline areas, unstable slopes and wetlands. This is an area I have some familiarity with, because this has been covered in official plans. Now we have conflicting sources to deal with these very important things.

The major problem with this bill is that while it tries to accommodate government downsizing and remove obsolete legislation, it really does provide for more regulation by this government through cabinet, more fines, more complication, more red tape than less, and for some of the benefits that are in there, there are clearly more demerits, in my view.

Here we have a bill that allows for new enhanced fee-setting powers under 40 statutes, and really it's just going on too far.

**Mr Wildman:** As I have listened to this debate tonight, I know why we didn't want to debate these bills before.

At any rate, I want to say that I was taken by the comments of my friend from Algoma-Manitoulin with regard to the changes in consumer and commercial relations set out starting on page 96. It allows the minister to have a director, an assistant director and so on appointed under the Theatres Act, and it keeps changing the term "prescribed fee" to "required fee." All of us know what that is about. In the past a prescribed fee was set by regulation, and in order for the fee to be changed, the regulation had to be changed. This changes the term to "required fee" in the act, so that means that the director, an unelected person, appointed, can set the fee at whatever she or he thinks is required, and therefore it is then the required fee. That means less accountability, it means less control by the elected members over what the fee is going to be. It just gives the bureaucrats the control over the ability to tax. This is a denial of the term "responsible government."

Responsible government requires the Legislative Assembly to hold the treasury bench accountable, that the Treasurer and his colleagues must be accountable to the members of the assembly, the elected members representing the people of Ontario. At no time will this director, who now can set the required fee, have to come before a committee of the House and justify why he or she believes this fee to be required. This means less control —

**The Acting Speaker (Mr Bert Johnson):** The member's time has expired.

The member for Oakwood has two minutes to respond.

**Mr Colle:** I certainly appreciate the opportunity to point out the conjuring façade this government is basically

putting forward now. The member for Hamilton West's comments about the faceless Minister of Consumer and Commercial Relations — why the doublespeak, why the doubletalk? Call him the minister. Why give him this title of registrar general? If it's the minister, say it's the minister. That's what this bill is about: doublespeak.

## 2030

I appreciate the member for Algoma's comments about the excellence of the debate. In terms of this bill, if they were concerned about consumer protection, why wouldn't they protect the consumers of Ontario who are daily being scammed by these door-to-door gas brokers who are ripping off people, especially seniors? That's not in this bill.

If they're talking about taxation, as the member for Algoma said, it's taxation without representation. This government has the audacity now to tax properties across this province for education purposes, and guess who sets the rate? Some faceless bureaucrat or whiz kid in the office of the Minister of Finance. The local property taxpayers have no say over education any more, they have no say over the rate. This government, with its tendency to centralize and grab all its power into Queen's Park, is about taxation without accountability and without representation.

Time and time again in this bill there are more powers of taxation through the backdoor and no accountability, because there's someone you don't know who is setting a fee or setting a new tax. They are faceless, they are not accountable, and they are people, hopefully, who will somehow exercise this power over us in a just way. But how can we trust that to happens if we don't know who they are and how they got there?

## The Acting Speaker: Further debate?

**Mrs Marion Boyd (London Centre):** Although this is indeed a tedious bill, it is important for those of us who are speaking tonight to be very clear that it has the potential of having a huge effect on the lives of the people of Ontario.

I want to start by talking a little bit about omnibus legislation and why we're in a position with this omnibus bill now, when the government originally introduced these measures through a series of discrete acts introduced by the ministers of the particular affected ministries.

It goes back to a bill that was under my auspices as Attorney General during the last government, when we took a number of different bills that had obsolete sections in them, most of them dealing with the method of reporting but some of them dealing with similar matters to what we see in front of us here today. What we did, as the member for Algoma-Manitoulin suggested, was to go through the requests from ministries for minor housekeeping changes in various acts they administered. We then took that whole package and had each caucus thoroughly briefed on what was being asked for by those ministries in those acts. Where there was an objection to any of those changes once the members of all three parties understood what was going on, those objections were removed from the package. What came to the House was a bill that already had



reached consensus by all three parties. It was justly and aptly called a housekeeping bill, which passed the Legislature very rapidly with little concern on any side except the notion of having an omnibus bill in the first place.

Those objections came primarily, although not exclusively, from the current Premier and many of the ministers of his government. Their objection was that of course it was difficult for the public to understand the impact of the changes in that bill. They ranted and raved about omnibus legislation and how unfair it was, even though, of course, they had already agreed to all the constituent parts of the bill, and in the end it was passed.

What this government then found out was that this was a great tool, and in their first effort at an omnibus bill — or an ominous bill, as the previous Speaker of the House termed it on frequent occasions — brought forward the infamous Bill 26, not the one after this bill that we're discussing, because of course we were in a different session of the Legislature at that point, but the infamous Bill 26 that took away successor rights from public servants, that set up the hospital restructuring commission, that provided the Minister of Municipal Affairs with all sorts of extraordinary powers to reshape the municipalities of the province. I could of course go on and on. The government used as its excuse for that bill the previous bill that our government had brought in, saying it wasn't a precedent and therefore they had every right to lump legislation together.

The government was pretty badly burned around the nature of that bill. The public did not at all like having a bill like that thrust down their throats. We all know that it caused the government to think again when this series of bills, the red tape bills, began to come forward. They quite wisely, I think, had those brought those forward by the individual ministries as individual bills and then of course couldn't manage the House. They were so incompetent that they found themselves with a pile of bills that normally might be uncontentious, but because of all the contentious issues they were trying to drive through this House, they found that they had flung a noose around their necks and were not able to get their legislation through.

So of course we have this bill, an aggregation of a bunch of bills, Bill 114 from the citizenship ministry, Bill 116 from OMAFRA, Bill 117 from consumer and commercial relations, Bill 118 from health, Bill 119 from MNR, Bill 121 from energy and Bill 122 from the AG and Solicitor General. They simply allowed those bills to die on the order paper at the end of the last session when we were prorogued and reintroduced them in this massive compendium.

What people at home may not understand is that when you read a bill, particularly a bill like these bills, which is mostly repealing or changing or adding to another bill, unless you have that other bill in front of you it's very hard to sort out what is actually happening. I've been looking around tonight, and although the government is required when they first introduce a bill to include one copy of all of the bills that are connected to the bill they're introducing, I note that not many of us have that huge pile

of paper with us today. It's very difficult when what is said is, "This section is repealed," and that's all it says, if you don't have the original bill in front of you to see what the section was.

If it appears that speakers on this bill are having difficulty explaining clearly where their fears lie, that's one of the issues. It's one of the problems with a bill like this, that it in fact is so detailed that there are many little hidden details in it. You know, Mr Speaker, that the devil is often in the detail and that the problem with trying to be a responsible legislator is that when you're passing a bill like this it is easy for things you did not intend to slide through.

In fact, this isn't exactly the bill they came forward with the last time. I'll give you three examples of things that are different between this bill and the original. For example, under the Drainage Act, there's an added sentence. It says the schedule amends section 93 of the act so that "a local municipality may, with the approval of the minister, appoint more than one drainage superintendent...."

I personally don't see why I would object to that. It seems to make good sense to let a municipality make a determination about whether they need one, two or more drainage superintendents under that act. But it apparently wasn't in the original act that came forward, as I understand it, and so it is an addition. There is a change. This isn't just simply acts that were in front of us for a long time.

#### 2040

Under the Corporations Act there's an addition. A mutual insurance corporation is required to hold a meeting of shareholders within the first three months of every year rather than within the first two months, as at present. The corporation is required to send a notice of a meeting of the corporation to shareholders and members or to publish the notice in a newspaper rather than do both, as at present.

Again, I have no particular objection to this, although when individual members get a notice, they at least know that the shareholders' meeting is going on. One could easily be on a business trip or at the cottage or the dog might get a hold of the newspaper and run off with it or, as frequently seems to happen in my apartment building, someone else seems to receive my newspaper or, as sometimes happens at home, it gets thrown into a mud puddle and it is quite possible that people might, if the report were only in the newspaper, miss the shareholders' meeting. I think a lot of people would be concerned if that could be the case. Obviously, from an expense point of view, depending on the expense of putting ads in your paper, it might be far more expensive to notify people through the newspaper than notify them individually. On the other hand, the opposite could be true. It may be a significant change and it's something that shouldn't just pass by without our noticing it.

Certainly to have that meeting during the first three months of the fiscal year makes real sense because most of us who are engaged and have experience with corporations know that it very often takes three months to have a

thorough audit done and be prepared for those meetings. So as I say, it's not the content but the fact that this is a change from the previous bill.

Again, under the Liquor Licence Act there's an addition. The schedule amends the definition of "Ontario wine" in the act to include wine produced in Ontario from agricultural products containing sugar or starch. I'm not sure whether that is to include some of the very fine combination wines that we're producing in our vineyards that do have a hint of grapefruit or a hint of peach or some other fruit than a grape. I assume it is. But again, it's a change from what we saw before.

The impact of some of these little changes is also cumulative, certainly in the very extensive changes under the Ministry of Consumer Commercial Relations, which of course is why it was brought forward by that certainly not nameless or faceless Minister of Consumer and Commercial Relations, the Honourable David Tsubouchi. This bill has so many changes to regulations that come under that minister's purview that quite frankly, even though I know he's a hard-working minister, I wonder if even he understands the impact of all those changes.

But it's not just his ministry, because as we go through this act, there are many ministries that are affected and there are many changes in some of the areas. I, of course, as health critic tend to get particularly interested about the changes that occur under the auspices of the health ministry, but I know that my colleagues equally are more interested in the areas with which they are more familiar. It is extremely important that we each get an opportunity to comment on what we may see as concerns under the particular areas of expertise we've developed.

I want to go back to a comment that my colleague from Algoma made earlier. He said that the true impact of this bill is to reduce the whole notion of responsible government. I've made comments on this before with respect to these kinds of regulatory bills, but it's extremely important that people understand what this means. This means that a single minister in many of these places or a designate of a single minister now can put into place regulations that affect the population of Ontario without any scrutiny of those regulations by the government itself.

The whole purpose of having regulations go through the process of Lieutenant Governor in Council regulatory approvals is that others get an opportunity to look at those regulations to measure what the impact may be. We see different things when we look at them that way. That's part of it. I will give you a couple of examples later of ways in which this current government, this current cabinet, has itself prevented regulations from going through because of real or imagined problems with the regulations.

If the cabinet is throwing away its regulatory responsibility in these acts, then it will not be able to keep mistakes from happening as a result, or at least what in their view might be mistakes. Equally, we as citizens of Ontario will find it difficult to have a clear line of responsibility to the government, which consists of the

Premier, the treasury officer and the treasury bench, as my colleague pointed out — the members of cabinet.

Some people might say: "Is that really important? This government never takes responsibility for anything it does. It's always blaming everybody else anyhow, so we hardly have responsible government any more." They could be quite right. There is a certain aspect of irony to the fact that we're pleading about having responsible government with a government that consistently tries to blame everybody else for everything and not accept its own responsibility, particularly when things go wrong, which of course is most of the time.

What we see here is a codified ability of this government to deny any responsibility for whatever mistakes may be in this book. And it is a book. This is a very thick bill with, I think somebody said, 180 pages. It's actually 198 pages and so it's a fairly hefty document.

People may not think that's terribly important but a lot of the major aspects of our parliamentary democracy depend of our notion of responsible government. They depend very much on the collective responsibility of government. That's what cabinet solidarity is all about. That's why it is not acceptable for someone to dissociate himself or herself from the decision of the cabinet and still remain a cabinet minister.

It is an important concept because the legal authority of the government rests with the Lieutenant Governor in Council, and to holus-bolus, as this government has, not just in this bill but in a series of other bills, hand that responsibility off to individual ministers who act on their own or who indeed, as was pointed out in the registrar general's case, appoint a director who then will exercise that authority — where is the accountability, where is the responsibility when that happens?

**2050**

I can well imagine, if this blows up in somebody's face, the other cabinet ministers saying, "I didn't know anything about this and I'm hardly going to exercise cabinet solidarity when I wasn't part of this decision." That's where we should become concerned, because we know that mistakes are made in terms of regulation. Why, the very minister who's bringing this act forward had to withdraw regulations that were passed even through the Lieutenant Governor in Council on welfare issues in October 1995 because they suddenly disallowed 115,000 or more people who were disabled from receiving benefits.

So we know that mistakes can be made in regulations and we know that it would have been easy for the government to evade its responsibility in renegeing on its promise to the disabled community that they would not in any way be damaged by the changes the government was going to make. They understood that. They understood they had to accept that responsibility and they caused the minister to withdraw the regulation. Of course, with Bill 142 it's now in place in a different guise, but at least at that point in time what the government claimed was an error could be corrected quite easily.

What happens when the government doesn't even know? What happens when a minister, as is only too likely



given what we see with this government, says, "I'm right and you're wrong and I made the regulation and that's it"? That may sound farfetched but with all of these responsibilities being downloaded on to individual ministers and their appointees, it's only too likely that kind of issue might occur.

One of the bills that is extensively changed in this act is the Regulated Health Professions Act, 1991. To be very frank, given the lack of confidence the general public has in the ability of the various colleges of the regulated health professions to self-regulate appropriately the kinds of complaints that are only too common, particularly about the College of Physicians and Surgeons, it's rather disturbing to see in this act more and more of the responsibility for how these regulated health professions are going to govern themselves being given to them themselves.

When that act was put into place — and it was put into place largely because people wanted these health professions to be regulated, they wanted the government to have a mechanism to hold these registered health professionals responsible for their behaviour — we specifically designed it so that they would have to get permission to change regulations, particularly around the disciplinary processes, particularly around the complaint processes that happen, because this is consumer safety that we're talking about, this is patient safety that we're talking about.

It's interesting to see more and more of the responsibility being exercised by the colleges independent of the government of the day. It may save government members' time. One of the things that interests me when we talk about red tape is that what really seems to bother the members of this government is having to do the work that's required to be a responsible government. I was on the legislation and regulations committee when the regulations were coming through about the regulated health professions and I can tell you it was a lot of work, and just the little shade of change that might be necessary in those regulations, from one profession to another, required a lot of attention to detail. It required people to come from those colleges to explain why it was appropriate for those changes to occur or for those particular regulations to be put in place. It was important for the government members of those committees to scrutinize very carefully to ensure that none of those changes in regulations or additions to regulations were watering down the consumer protection that was built into the act.

You can imagine how concerned I am to find on page 109 of this act an amendment that says, "If the panel," referring to the panel of the college that's receiving a complaint, "considers a complaint to be frivolous, vexatious, made in bad faith or otherwise an abuse of process, it shall give the complainant and the member notice that it intends to take no action with respect to the complaint and that the complainant and the member have a right to make written submissions within 30 days after receiving the notice."

The next section goes on to say, "If the panel is satisfied, after considering the written submissions of the

complainant and the member, that a complaint was frivolous, vexatious, made in bad faith or otherwise an abuse of process, the panel shall not take action with respect to the complaint."

I can tell the members of this place that although there may be many other benign changes in this act, I don't consider that a benign change. All of us as members hear far too many times that the colleges have not taken complaints very seriously, have not exercised their authority appropriately in terms of consumer protection, and those complaints are becoming more bitter all the time.

This is similar to an action this government took in its first year of office, allowing a change in the privacy commissioner's act around frivolous and vexatious complaints. There it may have seemed justified because of the absolutely extreme and extraordinary actions of a couple of individuals, but the commissioner at that point made it quite clear that there was a mechanism already within the report and that it wasn't necessary to allow municipalities or police forces or others who might be receiving these freedom of information complaints to be able to term them vexatious and simply turn them away. But the government went ahead. What is frivolous and vexatious to the person being complained about or the group being complained about may be a very serious matter to someone else.

One hopes there would be very strong guidelines in each of these colleges as to what would constitute a frivolous complaint, because I assure you that there are many, many instances in which the general public believes complaints are turned away or turned down when they are very serious matters and various colleges do not consider them very serious at all. That's an example of an area where there are some real concerns about what may happen as a result of the changes being made in this act.

There are many, many parts of this that are simply trying to enable the various ministries concerned, the various regulatory authorities concerned, to take advantage of the technology that's available to them. The member for Scarborough West said something about, "What do you agree with?" I certainly agree with the changes that enable us to make good use of electronic technology in terms of reporting, in terms of maintaining data, in terms of protecting data. I'm very much in favour of that. Where throughout this act those kinds of permissive abilities are given to ministries and to regulatory authorities, I think we should all be in favour of that, and we should be working to make sure that we are making the best possible use of technology, that it is interactive to the extent possible and that it is organized in such a way that it protects the privacy of individuals, that it ensures information is used only for the appropriate matters, but that it enables us to speed our response times, enables us to collect and maintain data in a more appropriate way. I want the members to know that I really approve of that action throughout.

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I approve of another section, but I suspect it's going to be somewhat upsetting to the government for me to mention this. I'm going to have to go into a fair bit of

explanation about it. A section of the act changes the Pharmacy Act; I believe it is on page 124. There are some changes there. There's another section, the Drug and Pharmacies Regulation Act, on page 128. A particular section would allow the pharmacists to make the regulations around drugs in particular correspond to the regulations in other jurisdictions, particularly the federal government, to do that automatically, in a way that does not make it difficult for them to get that through.

What is interesting about this particular change in the regulation is that we had a recent example where the regulations which currently have to go through cabinet went through the whole process and then were turned back by cabinet. I want to explain to people what this particular regulation was.

In September 1997, the cabinet rejected proposed regulations to change the status of nicotine replacement therapy products from prescription and behind-the-counter to self-selection. This may not sound very important to people, but it is. Since the time when that happened, September 1997, about 10,000 Ontarians have died from tobacco-related diseases, based on a report by the chief medical officer of health in 1996, using the statistical method used in that report.

It's clearly important for all of us to understand how necessary it is for us to support any measures which are going to cause people to stop smoking. The human cost to our health care system of smoking is enormous. It is within the power of government to do many things to stop smoking. One of those things that the Minister of Health and the ministry brought forward to the cabinet was to make Ontario's laws correspond to the federal laws, frankly to the laws in virtually every other place, and stop the practice of requiring prescriptions for nicotine replacement gums of four milligrams or more or the patches that people use to help them stop smoking.

A very extensive presentation was done in preparation for those regulations coming forward, and some of the points that were brought forward in that call were very important. Tobacco is Ontario's number one killer. It kills four times as many people as traffic crashes, murder, AIDS and suicide combined. Twelve thousand Ontarians die every year from tobacco-related illnesses, one every 33 minutes. That's similar to having the population of whole towns, say a town like Bracebridge, completely die out every year. From 1991 to 1996, 60,000 Ontarians have died, a population the size of Kingston or Barrie. These are huge numbers.

**Mr Wildman:** I wonder, Speaker, if there's a quorum present. Could you check?

**The Acting Speaker:** Would you check if there's a quorum present.

**Clerk Assistant (Ms Deborah Deller):** A quorum is not present, Speaker.

*The Acting Speaker ordered the bells rung.*

**Clerk Assistant:** A quorum is now present, Speaker.

**The Acting Speaker:** The Chair recognizes the member for London Centre.

**Mrs Boyd:** From 1991 to 1996, tobacco has cost Ontario at least \$18 billion, almost \$4 billion a year and \$10 million every day. These include direct health costs but also the lost income, the lost economic output. At \$4 billion a year, the cost of tobacco is equivalent to one half of the hospital operating expenses in Ontario. Ontario spends \$1 billion each year treating diseases caused by tobacco.

With all of these facts, with cabinet being presented with a representation from the Minister of Health that the simple removal of the requirement for a prescription for nicotine gum or nicotine patches would result in a much-increased cessation of smoking, one would have assumed that the government would leap at the opportunity of increasing the cessation of smoking.

It's very interesting that this is a very easy method to actually have a real impact because the kind of statistics that come forward from the groups about smoking indicate that this is a method of dealing with those who are having real difficulty ceasing to smoke because of their dependence on nicotine, because nicotine itself is not a carcinogen. I quote from a number of reports, particularly the UN Roundtable Conference on Social and Economic Aspects of the Reduction of Tobacco Smoking by Use of Alternative Nicotine Delivery Systems, which was published in Geneva in 1997:

"Nicotine per se does not substantively contribute to the medical complications of tobacco use. Scientific research indicates that nicotine is not a carcinogen...."

"Nicotine-delivering medicines are safe in short-term use when taken as an adjunct to smoking cessation. Long-term nicotine use is not a demonstrated harm with the possible exception of use during pregnancy."

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The Addiction Research Foundation of Canada said in a hearing that they have had no reports or concerns with regard to abuse or misuse of nicotine replacement therapy. There have been a large number of international studies to determine whether nicotine replacement products are themselves addictive and add to the addictive problems in the community. There's an overwhelming consensus that it does not. In fact, the United Nations conference in 1997, the same one that I mentioned before, said, "As a general principle, less-hazardous nicotine delivery devices should be as or more easily available and affordable than cigarettes."

It remains entirely amazing to me that when the cabinet was asked to pass a regulation recommended by the health ministry that Ontario remove the requirement for prescriptions for nicotine gums of four milligrams and above and for nicotine patches, cabinet refused. The cabinet wouldn't even agree to have those products relatively easily available behind the counter.

Why? My understanding is that there was an unsubstantiated belief among the cabinet that this was going to add to teenage problems, that teens were somehow going to use these drugs as a substitute, that they were somehow going to abuse these drugs and get high. I don't know how many of those cabinet ministers have ever



chewed that gum, but people who have chewed that gum tell me that you couldn't chew enough of it. You would throw up, literally, because it is so strong and it is not a good-tasting material. It is not the kind of thing that you would see teenagers deliberately abusing because there is no significant high that they can get from the drug.

International studies have confirmed — these studies were available to the Ministry of Health, available to the cabinet — that there's no significant abuse among teenagers of this drug. In fact, there's one that was printed in Stockholm in 1997, and I have that report with me, that talks about adolescent use of nicotine reduction products as being in no way susceptible to addictive behaviours by teenagers; a special study done because of this mythology that has grown up.

Nicotine replacement therapy products, NRT products, have been available for self-selection in the United States since 1996, sold over the counter, available without a prescription, available without going through a pharmacist. That's been studied to see whether that added any danger to those who were using these products, because obviously the manufacturer, as well as the government, want to be sure that this is not true. The study indicated that the attempts to quit smoking in the United States in 1997 were 5.8 million quit attempts, which was double the figure for 1995 when those products had to be available only by prescription. What's more, an estimated 3.8 million of those quit attempts were attributed directly to the over-the-counter availability of the nicotine replacement therapy. There was no significant misuse or abuse observed in any age group following over-the-counter availability.

Looking at the experience in Europe, looking at the experience in the United States, the National Drug Scheduling Advisory Committee, after their thorough review, recommended that self-selection in retail pharmacies occur following federal deregulation from prescription status.

Our government, in 1993, had already deregulated the two-milligram nicotine replacement gum. It has been available over the counter, and there has been no evidence in Canada of misuse or abuse of that. Ontario remains the only province requiring a prescription for the four-milligram gum or for the nicotine patch. The federal government deregulated the whole process in 1996, and we have not seen any appreciable evidence since then. As of June 1 of this year, the patch has also been deregulated by the federal government. As of just a few days ago, under federal law, it is possible to deregulate the patch, and only in Ontario, where the cabinet turned back the recommendation from its own health ministry and its own health minister, does this continue to remain a product requiring a prescription.

But there's good news in this, there really is, because one of the effects of the changes in Bill 25, under the appropriate act, will enable the pharmacies of this province to allow the regulations to be harmonized with the federal government, and we can expect that one of the results will be that these products will be available.

As I say, it's a double-edged sword. On the one hand, we want our government to be responsible and to take responsibility for its actions, and that's why regulation-making powers, through the Lieutenant Governor in Council, are important. On the other hand, you get a bit torn when you find that you're faced with a government, a cabinet, that is making decisions that are totally illogical and that are not in the best interests of the citizens of the province or the economy of the province. Obviously anything that would enable people to quit smoking more easily, as these products have been proven to do, that would enable them to go to a pharmacy and choose these products by themselves, without having to go through the rigorous shaming that some health professionals think is necessary when people approach them for a prescription, would be something that would be absolutely jumped on by the government, and it wasn't. So although in general I think this is a negative thing when governments are making bad choices, it may not be the reality in this particular case.

If we look at a bill of this size, we know that there are many other issues, and it's impossible to deal with all of them. Even though under the new rules I have an hour to do so, quite frankly, going through all of the problems in this bill, all of the potential problems, would be impossible.

I want to be sure I have time to mention one, and that is one that I find very ominous, the repeal of the Policy and Priorities Board of Cabinet Act. What this does is remove a very important discussion tool as a necessity for every government, another filter through which to put important legislation. The policy and priorities board sees the full presentation and makes recommendations to cabinet about their actions.

#### 2120

I have a fair bit of experience with making presentations to the policy and priorities board of cabinet, and I can tell the members that that kind of rigorous examination, that kind of second look at legislation, that testing of the recommendations which are coming forward from the bureaucrats and ministry, which are very often forced upon ministers as we would force a card in a crooked card game, is really important to be done. As most people who have been ministers in this place know, very often you bring a presentation to policy and priorities board and you don't get approval for it, because the other cabinet ministers who sit at the table ask you some pretty difficult questions and want some pretty clear answers. It's almost as though this is the way in which you can prepare appropriately for recommending a major change to cabinet.

**Hon Noble Villeneuve (Minister of Agriculture, Food and Rural Affairs, minister responsible for francophone affairs):** We all lived that.

**Mrs Boyd:** The agriculture minister said, "Yes, we've all been through that, that's true."

What happens when there isn't a policy and priorities board? Who looks at those proposals? Who does that detailed work? Who acts as the filter through which we

see whether the effect of these bills is going to be as anticipated by the bureaucrats who have made the bill up in the first place? Policy and priorities committee is a very important venue, because a minister working closely with the bureaucrats in his or her ministry very often is persuaded that the ministry has the only way in which a certain goal of government can be accomplished, and it takes the advice of others who have not been influenced by those bureaucrats to look at it and say: "There are alternatives; this isn't the only way we can reach our goal. There are several other ways in which we can reach our goal, and most of them wouldn't hurt people as badly as this method." We have all seen that.

**The Speaker (Hon Chris Stockwell):** I'd like to take this opportunity to introduce the member for Huddersfield, Mr Rick Cooke. Welcome.

The member for London Centre.

**Mrs Boyd:** Mr Speaker, the member for Huddersfield?

**The Speaker:** Yes.

**Mrs Boyd:** In?

**The Speaker:** England.

**Mrs Boyd:** Welcome.

We don't know even the names of our own new ridings, Mr Speaker, never mind the names of the ridings in England.

So one of the issues that you have to ask yourself here is what is the motivation behind removing the Policy and Priorities Board of Cabinet Act.

**Mr James J. Bradley (St Catharines):** To give the whiz kids full control.

**Mrs Boyd:** The member for St Catharines says, "To give the whiz kids full control." It certainly sounds like it to me. The real problem is that the whiz kids aren't responsible for government. All the members of the cabinet are responsible for government, and if you can't be sure that the proposals that are being brought forward from ministries are looked at by other ministers who don't have the vested interest that we often develop in our own ministries, who don't become so influenced by the predominant kind of corporate milieu in which you work as a minister and don't ask some of the tough questions that may appear, things will slip through.

It's simply another way for the Premier of this province to direct everything that happens according to the word

according to Mike, and that's a really big problem. It's a big problem for cabinet ministers because, believe me, all of you will still be held responsible as a group, as is appropriate in a responsible government. If you have not had an opportunity to go through that process to be sure that the tough questions have been asked, not by bureaucrats, not by whiz kids, but by other ministers who are also going to be held responsible by the public, then you're not going to have good government.

This is not the way you run good government. Good government in a parliamentary democracy depends on that whole notion of cabinet responsibility. It depends very heavily on being sure that not just one minister or one ministry is responsible for what happens but that all of you are and that that chain of accountability is clearly demonstrated in the process that is gone through to bring forward legislation.

Heaven knows, this government more than any other has this habit of sending out ideas to outside agencies for them to develop into legislation. They don't even trust the ministries that they pay to develop those policies and that legislation. They're always busy referring things out to, not just their own whiz kids, but to the whiz kids of Andersen Consulting and the whiz kids of the Royal Bank —

**Mr Wildman:** KPMG.

**Mrs Boyd:** — KPMG, Price Waterhouse, all of these very expensive, non-salaried people who get huge fees for developing these policies.

Already we've had a concern that you're not accepting very much responsibility and you're not using the mechanisms of government properly. But when you do away with an important body like policy and priorities, it becomes very clear that you not only have no notion yourselves about the importance of responsible government, you are relinquishing what balances and controls you had upon it. That's very, very serious.

Mr Speaker, I think it's 9:30 and I move adjournment of the debate.

**The Speaker:** Adjournment of the House. It now being 9:30 of the clock, this House stands adjourned until 1:30 of the clock tomorrow.

*The House adjourned at 2128.*



**LEGISLATIVE ASSEMBLY OF ONTARIO  
ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO**

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Speaker / Président: Hon / L'hon Chris Stockwell

Clerk / Greffier: Claude L. DesRosiers

Clerk Assistant / Greffière adjointe: Deborah Deller

Clerks at the Table / Greffiers parlementaires: Todd Decker, Lisa Freedman

Sergeant-at-Arms / Sergent d'armes: Dennis Clark

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Cochrane South / -Sud	Bisson, Gilles (ND)	Kingston and The Islands / Kingston et Les Îles	Gerretsen, John (L)
Cornwall	Cleary, John C. (L)	Kitchener	Wettlaufer, Wayne (PC)
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Downsview	Castrilli, Annamarie (L)	Lambton	Beaubien, Marcel (PC)
Dufferin-Peel	Tilson, David (PC)	Lanark-Renfrew	Jordan, W. Leo (PC)
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		Niagara Falls	Maves, Bart (PC)

Constituency Circonscription	Member/Party Député(e) / Parti	Constituency Circonscription	Member/Party Député(e) / Parti
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	<b>Bassett, Hon / L'hon Isabel</b> (PC) Minister of Citizenship, Culture and Recreation / ministre des Affaires civiques, de la Culture et des Loisirs	Windsor-Sandwich	Parker, John L. (PC)
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	<b>Leach, Hon / L'hon Al</b> (PC) Minister of Municipal Affairs and Housing / ministre des Affaires municipales et du Logement		Sergio, Mario (L)
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		York Mills	
		York-Mackenzie	
		Yorkview	
		York South / -Sud	
		Nickel Belt	Vacant

A list arranged by members' surnames and including all responsibilities of each member appears in the first and last issues of each session and on the first Monday of each month.

Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.



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of Ontario

Second Session, 36<sup>th</sup> Parliament

Assemblée législative  
de l'Ontario

Deuxième session, 36<sup>e</sup> législature

# Official Report of Debates (Hansard)

# Journal des débats (Hansard)

Tuesday 9 June 1998

Mardi 9 juin 1998



Speaker  
Honourable Chris Stockwell

Président  
L'honorable Chris Stockwell

Clerk  
Claude L. DesRosiers

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Claude L. DesRosiers

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## LEGISLATIVE ASSEMBLY OF ONTARIO

Tuesday 9 June 1998

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mardi 9 juin 1998

*The House met at 1332.*

*Prayers.*

### MEMBERS' STATEMENTS

#### MENTAL HEALTH REFORM

**Mr Richard Patten (Ottawa Centre):** I want to comment today on Minister Witmer's announcement of June 3 on enhancing access to mental health services, as a result of the long-awaited release of Dan Newman's review of mental health programs and services. The minister and her parliamentary assistant know that I have a deep interest in mental health reform, particularly legislative reform, which was the subject of my private member's bill last session and received support on both sides of the House.

While I am pleased about the \$60 million of new money as a start to support community-based services, and the affirmation of the moratorium on the closure of psychiatric beds until alternative services and programs are in place, I have concerns about the time frame for the legislative review.

The announcement of the review of mental health legislation is of the utmost interest to me since there are changes that need to be made to the Mental Health Act immediately to enable the very seriously mentally ill to get the help they need when they need it. This does not constitute a large group, but it is a very needy group that is often forgotten and often misunderstood. My concern here is that the last review of the legislation took six years to complete. These individuals cannot wait. Research now tells us that the earlier the treatment a person receives after the first instance of psychosis the better the prognosis.

I urge the minister, her colleagues and all members of the House to support my revised private member's bill on amendments to the Mental Health Act, which I will be introducing soon.

#### PHYSICIAN SHORTAGE

**Mr Bud Wildman (Algoma):** I rise to deal with an issue that has been a problem in the small communities across northern Ontario for some time, and that is the lack of adequate physician services. We don't have enough

doctors and we have difficulty attracting those doctors to small communities across northern Ontario.

The situation has become critical in Elliot Lake and Espanola. In both those communities it is impossible now for individuals and families to get family physicians, despite all of the efforts that have been made by the communities and the hospitals involved. Two doctors recently left Elliot Lake and there is no French-speaking physician left in that community despite the fact that there is a very large francophone community. In Espanola the problem is just as serious.

The provincial government announced some time ago, over a year ago, an initiative of \$34.6 million being set aside to attract and retain doctors to small northern communities. Only about \$1 million of that has been allocated and none of it outside of Manitowadge. There have been all sorts of efforts made, offering free office space for six months by Espanola and E.B. Eddy, and yet we continue to have this serious shortage.

I call upon the Minister of Health to take action in conjunction with the Ontario Medical Association to ensure that we have doctors' services in the north.

#### BELLEVILLE ECONOMY

**Mr E.J. Douglas Rollins (Quinte):** Recently a sourcing study was completed at the Procter and Gamble plant in Belleville and a second plant at Greenville, North Carolina, for the purpose of consolidating a product line at one facility. I am pleased to announce that as a result of the sourcing study the Belleville facility will continue to operate and become the sole supplier of Always products for North America.

This is great news for my constituents. Not only have we retained between 500 and 600 employees, but also 25 additional employees will be hired in August and soon the plant will expand to accommodate new equipment.

The good news is not limited to the employees of Procter and Gamble. Other industrial expansions are in the works, including a proposed 20,000-square-foot addition to the existing G&H International Packaging Ltd, a proposed 100,000 square feet for an addition to Halla Climate Control and a 40,000-square-foot addition to Wilson sporting goods.

I want to congratulate the employees and management of Procter and Gamble in Belleville for proving themselves to be world-class competitors. I hope other companies will come to know what Procter and Gamble does, and that Quinte is the best jurisdiction in the world to

work, invest and raise a family. I would also like to think that other companies we compete with around the world have found that input from Ontario.

### FERRY SERVICES

#### **Mr John Gerretsen (Kingston and The Islands):**

The ongoing saga of the residents of the three island communities who were told by the government a year and a half ago that the essential subsidies for their ferry services, their only lifeline to the mainland, were to be unilaterally cut off by the province continues.

The Minister of Transportation initially requested the island communities to develop business plans. They did so. The business plans were unacceptable to him and he subsequently appointed a facilitator, Dale Martin. He too is proposing a solution requiring a combination of a fixed link and ferry system. To date, the report has not been released by the minister.

The township of Frontenac Islands has now passed a resolution asking the minister to immediately make public the Martin report and for the minister to make his plans regarding the future of the transportation access to the island communities public.

The residents of Frontenac Islands and Amherst Island have a right to know what the future holds with regard to access to the islands. The anxiety and uncertainty the province has caused is simply unacceptable and inexcusable.

I therefore urge the minister and demand from him that he immediately restore full funding of the ferry system to alleviate the islands residents of the great uncertainty and anxiety they have lived with, release the Martin report and its recommendations immediately to the general public, and commit the government in principle to the recommendations contained in the report and develop a realistic time frame for implementation.

1340

### SUZANNE FORTIN

**Ms Shelley Martel (Sudbury East):** Recently TVO announced the winners of the seventh annual TVOntario Teachers' Awards. I'm pleased to advise the House that one of those winners is Ms Suzanne Fortin, a gifted teacher at école Notre-Dame-du-Rosaire in Blezard Valley, which is in the riding of Sudbury East.

These awards honour teachers who have made exceptional advances in teaching students despite the challenges of the classroom today. These educators have introduced imaginative programs and creative approaches to positively change the school experience for their students, their families and their fellow teachers. In doing so, they have made a positive difference in the lives of their students and their communities. It is this contribution that TVO will honour at the award presentation on Tuesday, June 16, here in Toronto.

For her part, Ms Fortin created a "snoezelen" room in her school. The room provides a total sensory experience

to assist the development of children with physical, intellectual and sensory disabilities. Then, recognizing that many students with difficulties have nowhere to go when they finish school, she helped establish the first francophone day program for developmentally handicapped adults in northern Ontario. This is a unique community partnership that should serve as a model elsewhere in Ontario.

Ms Fortin and école Notre-Dame-du-Rosaire will both receive \$1,000 as a result of this award. Suzanne and a few other Ontario teachers were selected from among 142 nominees by a jury of 13 educators and students. Their work is truly exceptional and most worthy of recognition.

Congratulations, Suzanne, on a job very well done.

### BARRIE JAZZ AND BLUES FESTIVAL

**Mr Joseph N. Tascona (Simcoe Centre):** I rise today to let everyone know that starting Thursday, June 11, and running through Father's Day, Sunday, June 14, the city of Barrie will be alive with the sounds of blues and jazz.

The third annual Barrie Jazz and Blues Festival presents the finest local and international jazz and blues musicians in more than 35 venues all over the city of Barrie. If you like to hear music in the outdoors, the Barrie Jazz and Blues Festival offers a cornucopia of jazz and blues talent throughout the festival on their Centre Stage in Centennial Park.

The Barrie Jazz and Blues Festival is also sponsor of my second annual pancake breakfast, Saturday, June 13, 9 to 12, at the Army, Navy and Air Force Club, 7 George Street in Barrie. All proceeds from my breakfast go to Barrie's Royal Victoria Hospital to fight women's cancer. Last year we raised more than \$2,500 for this very worthy cause. This year we are adding jazz music for your listening pleasure while you enjoy a hearty pancake breakfast of pancakes and sausages served by yours truly.

I invite everyone to come to beautiful Barrie this weekend to hear great jazz and blues music at the Barrie Jazz and Blues Festival. If you choose to come up Saturday morning, join me at the Army, Navy and Air Force Club to hear some jazz and enjoy a hearty pancake breakfast, with all the proceeds going to fight women's cancer. I look forward to seeing everyone there.

### LONG-TERM CARE

**Mr Bruce Crozier (Essex South):** I rise in the House today during Caregivers' Week of Seniors' Month to raise an issue of crucial importance to Ontarians.

Recently in the Kingston Whig-Standard a very disturbing article appeared entitled "Bed Blocker is Offensive Terminology." This article outlines the horrendous experience of a daughter dealing with an ill mother in Kingston. The mother fell at home, suffered a head injury, a broken wrist and elbow and a neck injury. While in hospital, she suffered high fevers, infections, seizures and increasing agitation and confusion.



In Mike Harris's Ontario, this elderly, frail woman is commonly referred to as a bed blocker. In January her family received word that she was approved for long-term care. Shortly after, she received a form letter from the CEO of Kingston General Hospital that bluntly outlines the Kingston General Hospital bed-blocker policy. The family must immediately choose six possible nursing homes from the list provided and take the first bed offered. The CEO writes that failing to do so will result in a \$673-a-day charge.

The term "bed blocker" is dehumanizing and offensive. Unfortunately, you will hear it a lot more in the future. Remember to put a face on the term, perhaps your mother's. Is this the type of health care we want in Ontario?

Mike Harris blames his predecessors and muses about the future substantial reinvestment. The fact is that the Premier has created these problems in health care. Health care is without a doubt the most important issue facing senior Ontarians today.

### SAULT STE MARIE ECONOMY

**Mr Tony Martin (Sault Ste Marie):** Sault Ste Marie is in a tough spot, all because the Tory government has reversed the policy developed over a number of years by all political parties to work proactively to stabilize the economies of communities across the province and, in particular, northern Ontario.

Unemployment in Sault Ste Marie is at twice the provincial average because the provincial government has cut over 1,500 jobs out of our community. They have effectively dismantled the lottery corporation, a business that had increased its profits every year since its inception, including the years it was run out of Sault Ste Marie. To add insult to injury, the Minister of Northern Development and Mines came to Sault Ste Marie on Friday to tell us: "Don't worry; be happy. The plan is working and if we stay the course we will all be better off." That just doesn't cut it. Sault Ste Marie is now in big trouble as a direct result of decisions made by this government.

You have some options, government, to come and help Sault Ste Marie, three of them in particular: You can stop the bleeding by stopping the cuts; you can come and help us stabilize what's already in place — quit dismantling operations like the lottery corporation — and you can come in and work with the economic development corporation to put in place plans that will see us take advantage of some of the economic opportunities that are coming at us. As it stands now, there is no help from you and we're still in big trouble.

### FISH KINCARDINE SALMON DERBY

**Mrs Barbara Fisher (Bruce):** My colleagues may recall that on May 13 I announced the upcoming 13th annual Fish Kincardine Salmon Derby to be held from May 22 to May 31. Today I'm very pleased to announce that the derby was a resounding success. The grand prize

winner was John deBoer from Elmira with an 18.76-pound salmon. He took home the big prize, a 1998 Lund fishing boat with a 75-horsepower motor and trailer. The winning package was worth \$22,500.

The 1,238 registrants entered in this year's derby weighed in 3,047 fish for a total weight of 22,559 pounds. This represents only a small percentage of the total fish caught. The entire community gets involved in this 10-day event, including fish fries at the beach, Ladies Day, Pier Day, Kids Day, pancake breakfasts and much more.

I would like to point out that the Fish Kincardine Salmon Derby is an excellent economic development tool for smaller communities such as Kincardine, stimulating the local economy and bringing tourists to the area year after year.

The success of this year's derby would not have been possible without the help of dozens of volunteers headed up by the capable leadership of the derby's co-chairs, Randy Duffie and Susan Novak. They are to be congratulated for the excellent organization and months of preparation required to make this event a success.

### VISITOR

**The Speaker (Hon Chris Stockwell):** I'd like to bring the House's attention to the government members' gallery and note the member for Eglinton from the 33rd Parliament, Mr David McFadden. Welcome.

## INTRODUCTION OF BILLS

### ENERGY COMPETITION ACT, 1998

#### LOI DE 1998 SUR LA CONCURRENCE DANS LE SECTEUR DE L'ÉNERGIE

Mr Wilson moved first reading of the following bill:

Bill 35, An Act to create jobs and protect consumers by promoting low-cost energy through competition, to protect the environment, to provide for pensions and to make related amendments to certain Acts / Projet de loi 35, Loi visant à créer des emplois et à protéger les consommateurs en favorisant le bas prix de l'énergie au moyen de la concurrence, protégeant l'environnement, traitant de pensions et apportant des modifications connexes à certaines lois.

**The Speaker (Hon Chris Stockwell):** Is it the pleasure of the House that the motion carry? Carried.

**Hon Jim Wilson (Minister of Energy, Science and Technology):** By introducing the Energy Competition Act, the Ontario government is moving to keep its promise to ensure a reliable, affordable and safe supply of electricity while increasing opportunities for investment and job creation.

The intent of these proposed reforms is to boost the economy by encouraging jobs and investment while fulfilling the white paper commitment to maintain and

enforce the province's standards for environmental protection, including existing limits on emissions.

Subject to the approval by the Legislature, electricity customers stand to benefit most from a competitive electricity market with greater choice and the lowest possible prices.

ELECTION STATUTE  
LAW AMENDMENT ACT, 1998  
LOI DE 1998 MODIFIANT DES LOIS  
EN CE QUI CONCERNE LES ÉLECTIONS

Mr Hodgson moved first reading of the following bill:

Bill 36, An Act to amend the Election Act and the Election Finances Act, and to make related amendments to other statutes / Projet de loi 36, Loi modifiant la Loi électorale et la Loi sur le financement des élections et apportant des modifications connexes à d'autres lois.

**The Speaker (Hon Chris Stockwell):** Is it the pleasure of the House that the motion carry?

All those in favour, please say "aye."

All those opposed, please say "nay."

In my opinion, the ayes have it.

Call in the members. This will be a five-minute bell.

*The division bells rang from 1351 to 1356.*

**The Speaker:** All those in favour, please rise one at a time and be recognized by the Clerk.

**Ayes**

Baird, John R.	Hardeman, Ernie	Preston, Peter
Barrett, Toby	Harnick, Charles	Rollins, E.J. Douglas
Bassett, Isabel	Harris, Michael D.	Ross, Lillian
Boushy, Dave	Hodgson, Chris	Saunderson, William
Brown, Jim	Johns, Helen	Sheehan, Frank
Carr, Gary	Johnson, Bert	Skarica, Toni
Chudleigh, Ted	Johnson, David	Snobelen, John
Clement, Tony	Jordan, W. Leo	Spina, Joseph
Cunningham, Dianne	Kells, Morley	Sterling, Norman W.
Danford, Harry	Leach, Al	Stewart, R. Gary
DeFaria, Carl	Leadston, Gary L.	Tasca, Joseph N.
Doyle, Ed	Mariand, Margaret	Tilson, David
Fisher, Barbara	Maves, Bart	Tsubouchi, David H.
Flaherty, Jim	McLean, Allan K.	Turnbull, David
Ford, Douglas B.	Munro, Julia	Villeneuve, Noble
Fox, Gary	Murdoch, Bill	Wilson, Jim
Galt, Doug	O'Toole, John	Witmer, Elizabeth
Gilchrist, Steve	Ouellette, Jerry J.	Wood, Bob
Grimmett, Bill	Palladini, Al	Young, Terence H.
Guzzo, Garry J.	Pettit, Trevor	

**The Speaker:** All those opposed, please rise one at a time and be recognized by the Clerk.

**Nays**

Agostino, Dominic	Crozier, Bruce	Martel, Shelley
Bartolucci, Rick	Cullen, Alex	Martin, Tony
Bisson, Gilles	Curling, Alvin	McGuinty, Dalton
Boyd, Marion	Duncan, Dwight	Morin, Gilles E.
Bradley, James J.	Gerretsen, John	Patten, Richard
Brown, Michael A.	Grandmaître, Bernard	Phillips, Gerry
Castrilli, Annamaria	Gravelle, Michael	Ramsay, David
Christopherson, David	Kwinter, Monte	Ruprecht, Tony
Churley, Marilyn	Lalonde, Jean-Marc	Silipo, Tony
Cleary, John C.	Lankin, Frances	Wildman, Bud
Colle, Mike	Lessard, Wayne	Wood, Len
Conway, Sean G.	Marchese, Rosario	

**Clerk of the House (Mr Claude L. DesRosiers):** The ayes are 59; the nays are 35.

**The Speaker:** I declare the motion carried.

*Interjections.*

**The Speaker:** Order. The House will recess for 15 minutes.

*The House recessed from 1401 to 1416.*

**Mr David Christopherson (Hamilton Centre):** On a point of order, Mr Speaker: Based on the incredible impact that the announcement the Chair of Management Board has made will have on the next election, I seek unanimous consent to allow the minister to stand up and explain this legislation.

**The Speaker:** Unanimous consent to explain the legislation? Agreed? No.

*Interjections.*

**The Speaker:** This House will recess for 10 minutes.

*The House recessed from 1418 to 1429.*

**The Speaker:** I'll go to the leader of the third party first on a point of order, if everyone could take their seats. I understand what's going on and I know the member's not here, but we have to understand that there has to be some order and decorum in this place. It was a situation as I left that was very uncomfortable, I think, for everybody, not just the opposition members but clearly the clerks. Although I wasn't here — I have no jurisdiction — I think we need to have some order and decorum and I would ask the members to remember that, please.

On a point of order, the leader of the third party.

**Mr Howard Hampton (Rainy River):** Speaker, I ask unanimous consent that someone in the government rise and tell us why they now need to set the rules for elections unilaterally in Ontario after 100 years of democratic setting of those.

**The Speaker:** Hold on. Leader of the third party, there's been an opportunity for that unanimous consent. It wasn't agreed to. I appreciate it was the minister. This is now asking for all members. I'll put it, but I think we'd run the gamut at that point about members. This is unanimous consent. I'll follow it up on a point of order, if you like. Unanimous consent for any member of the government to speak to the bill just introduced? Agreed? I heard a no.

Further point of order, the leader of the third party.

**Mr Hampton:** Speaker, this is unprecedented. If I may, I think you ought to pay particular attention to what's happening. In over 100 years of democracy in Ontario, no party, no government has unilaterally felt that it was entitled to set the rules of election, and yet now we have a government that unilaterally believes that it can set the democratic rules for election. I don't think you can let that happen.

**The Speaker:** Leader of the third party, it's not out of order. What you're saying is debate and it's a good question and I think it's a question that will probably be asked, but it isn't a point of order. There's nothing out of order about the bill that was just introduced.

Introduction of bills.



## ONTARIO AGRICULTURE WEEK ACT, 1998

LOI DE 1998 SUR LA SEMAINE  
DE L'AGRICULTURE EN ONTARIO

Mr Bert Johnson moved first reading of the following bill:

Bill 37, An Act to designate a week of recognition for Ontario's Farmers / Projet de loi 137, Loi désignant une semaine de reconnaissance envers les agriculteurs de l'Ontario.

**The Speaker (Hon Chris Stockwell):** Is it the pleasure of the House that the motion carry?

All those in favour, please say "aye."

All those opposed, please say "nay."

In my opinion, the ayes have it.

Call in the members; this will be a five-minute bell.

*The division bells rang from 1433 to 1438.*

**The Speaker:** All those in favour, please rise one at a time and be recognized by the Clerk.

## Ayes

Agostino, Dominic	Fox, Gary	O'Toole, John
Baird, John R.	Galt, Doug	Ouellette, Jerry J.
Barrett, Toby	Gerretsen, John	Palladini, Al
Bartolucci, Rick	Gilchrist, Steve	Pettit, Trevor
Bassett, Isabel	Grandmaître, Bernard	Phillips, Gerry
Bisson, Gilles	Gravelle, Michael	Preston, Peter
Boushy, Dave	Grimmett, Bill	Ramsay, David
Boyd, Marion	Hampton, Howard	Rollins, E.J.:Douglas
Bradley, James J.	Hardeman, Ernie	Ross, Lillian
Brown, Jim	Hudak, Tim	Ruprecht, Tony
Brown, Michael A.	Johns, Helen	Saunderson, William
Carr, Gary	Johnson, Bert	Sergio, Mario
Castrilli, Annamarie	Jordan, W. Leo	Sheehan, Frank
Christopherson, David	Kells, Morley	Silipo, Tony
Chudleigh, Ted	Lalonde, Jean-Marc	Skarica, Toni
Churley, Marilyn	Lankin, Frances	Snobelen, John
Cleary, John C.	Leach, Al	Spina, Joseph
Clement, Tony	Leadston, Gary L.	Stewart, R. Gary
Conway, Sean G.	Lessard, Wayne	Tascona, Joseph N.
Cordiano, Joseph	Marchese, Rosario	Tilson, David
Crozier, Bruce	Marland, Margaret	Tsubouchi, David H.
Cullen, Alex	Martel, Shelley	Turnbull, David
Danford, Harry	Martin, Tony	Villeneuve, Noble
DeFaria, Carl	Maves, Bart	Wildman, Bud
Doyle, Ed	McGuinty, Dalton	Wilson, Jim
Duncan, Dwight	McLean, Allan K.	Witmer, Elizabeth
Fisher, Barbara	Morin, Gilles E.	Wood, Bob
Flaherty, Jim	Munro, Julia	Wood, Len
Ford, Douglas B.	Murdoch, Bill	Young, Terence H.

**Clerk of the House (Mr Claude L. DesRosiers):** The ayes are 87; the nays are 0.

**The Speaker:** I declare the motion carried.

**Mr Bud Wildman (Algoma):** On a point of order, Mr Speaker: You will know that there has been serious disruption in the House today over the actions of the government. You may not be aware that the Chair of Management Board outside of this House has been saying that in order to have the bill proceeded with, the government had to introduce the bill today because of a rule prohibiting bills to be proceeded at the end of the session. You will also know —

**The Speaker:** Member for Algoma, that's not a point of order.

Member for Perth, do you have a short statement?

**Mr Bert Johnson (Perth):** Thank you, Mr Speaker. I just wanted to say that I've done a lot of deliberation and consultation and now I think it's time for legislation on this. The bill provides for special recognition of the contribution of Ontario farmers to our society by proclaiming the week commencing on the Monday immediately before Thanksgiving Day in each year as Ontario Agricultural Week.

STATEMENTS BY THE MINISTRY  
AND RESPONSES

## ONTARIO HYDRO

**Hon Jim Wilson (Minister of Energy, Science and Technology):** The occasion of first reading of the Energy Competition Act —

*Interjections.*

**The Speaker (Hon Chris Stockwell):** Order. Minister of Energy.

*Interjections.*

**The Speaker:** Order. Member for Windsor-Walkerville, come to order, please.

Minister of Energy.

**Hon Mr Wilson:** Mr Speaker, it's an important piece of legislation —

*Interjections.*

**The Speaker:** Member for Timiskaming, you must withdraw that comment.

**Mr David Ramsay (Timiskaming):** I just asked a question, Mr Speaker.

**The Speaker:** I know, but the comment was out of order. I ask you to withdraw.

**Mr Ramsay:** I withdraw.

**The Speaker:** Minister of Energy.

*Interjections.*

**The Speaker:** Five minutes.

*The House recessed from 1446 to 1454.*

**The Speaker:** Minister of Energy.

**Hon Mr Wilson:** The occasion of first reading of the Energy Competition Act —

*Interjections.*

**The Speaker:** We will be recessed for five minutes.

*The House recessed from 1455 to 1502.*

**The Speaker:** I want to say to the members of the opposition that if I can't get this in, I'm going to have to start naming the members individually. This is your warning and I will go through it individually if I have to.

I want to call on the minister now to make a statement, and if anyone begins to disrupt the proceedings, I will begin the process individually. Minister of Energy.

**Hon Mr Wilson:** The occasion of first reading of the Energy Competition Act —

**Mr David Christopherson (Hamilton Centre):** Bring in —

**The Speaker:** I name the member for Hamilton Centre. The member for Hamilton Centre is named.

*Mr Christopherson was escorted from the chamber.*

**The Speaker:** The Minister of Energy.

**Hon Mr Wilson:** The occasion of first reading of the Energy Competition Act represents "a promise made" —

**Ms Frances Lankin (Beaches-Woodbine):** No way; not interested.

**The Speaker:** I name the member for Beaches-Woodbine.

*Ms Lankin was escorted from the chamber.*

**The Speaker:** The Minister of Energy.

**Hon Mr Wilson:** The occasion of —

*Interjections.*

**The Speaker:** I name the member for Oakwood.

*Mr Colle was escorted from the chamber.*

**The Speaker:** The Minister of Energy.

**Mr Rosario Marchese (Fort York):** No, Jim, no.

**The Speaker:** I name the member for Fort York.

*Mr Marchese was escorted from the chamber.*

**The Speaker:** The Minister of Energy.

**Mr Len Wood (Cochrane North):** No, no, no.

**The Speaker:** I name the member for Cochrane North.

*Mr Len Wood was escorted from the chamber.*

**The Speaker:** The Minister of Energy.

**Hon Mr Wilson:** This is a very important —

**Mr Alex Cullen (Ottawa West):** Chris Hodgson. We want to hear from Chris Hodgson.

**The Speaker:** I name the member for Ottawa West.

*Mr Cullen was escorted from the chamber.*

**The Speaker:** The Minister of Energy.

**Hon Mr Wilson:** The Energy Competition Act is a very important piece of legislation for the people of Ontario. I appreciate the opportunity —

**Mr Alvin Curling (Scarborough North):** No, no.

**The Speaker:** I name the member for Scarborough North.

*Mr Curling was escorted from the chamber.*

**The Speaker:** The Minister of Energy.

**Hon Mr Wilson:** I would appreciate the opportunity to explain this important piece of legislation, which will —

**Mr Tony Martin (Sault Ste Marie):** No, no.

**The Speaker:** I name the member for Sault Ste Marie.

*Mr Martin was escorted from the chamber.*

*Interjection.*

**The Speaker:** Member for Peterborough, come to order, please. The Minister of Energy.

**Hon Mr Wilson:** The provisions of the Energy Competition Act are faithful to the policy directions this government set out in our white paper entitled *Direction for Change: Charting a Course for Competitive Electricity and Jobs in Ontario*, which was released last November. By introducing this legislation, the Ontario government is moving to keep its promise to ensure a reliable and safe supply of electricity at the lowest possible price, while increasing opportunities for investment and job creation.

Subject to approval by the Legislature, the proposed Energy Competition Act would end Ontario Hydro's 92-year monopoly, bring full competition to the province's electricity market and reforms to the natural gas sector. We are following through on the vision of our white paper and introducing legislation that is consistent with the

recommendations of our market design committee of industry and customer experts. Electricity customers stand to benefit most from a competitive electricity market, with greater choice, lower prices and a safe, reliable supply of power. As well, these proposed reforms will boost the economy by encouraging jobs and investment.

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The proposed legislation would reorganize Ontario Hydro into two new commercial corporations: the Ontario Electricity Generation Corp and the Ontario Electric Services Corp. It would also set up a new non-profit crown corporation, the Independent Electricity Market Operator, which would ensure reliable electricity supplies and fair access to this \$10-billion consumer market.

Under the proposed legislation the electricity generation business would also be open to all power producers who meet our environmental standards and receive a licence to generate electricity. By allowing access to Hydro's transmission grid, we'll be opening up investment opportunities for new generators, cogeneration and renewable forms of energy production.

The bill also proposes amendments to the Ontario Energy Board Act which would provide continued rate protection for rural and remote electricity consumers and ensure that distribution companies fulfil their obligations to connect and serve their customers.

Under the proposed rules, companies participating in the new electricity market would be licensed by the Ontario Energy Board. All marketers selling electricity or natural gas to residential consumers would also require licences.

Subject to the approval of the Legislature, the proposed Energy Competition Act would ensure that strong environmental protection measures are built into the new electricity market. This is in keeping with the government's commitments in the white paper to maintain and enforce its standards for environmental protection, to maintain existing limits on emissions and to meet its national and international commitments. These measures would ensure that greater competition does not threaten environmental protection.

The energy industry's future has been the subject of extensive public consultations. These consultations highlighted a number of areas in urgent need of reform, which this bill addresses.

For the electricity sector, this consultation took place through the Advisory Committee on Competition in Ontario's Electricity System, chaired by the Honourable Donald S. Macdonald, and subsequently by the all-party select committee of this Legislature on Ontario Hydro's nuclear affairs.

For the natural gas sector, the government had the benefit of an Ontario Energy Board report advising on legislative change, and the Ministry of Energy, Science and Technology conducted consultations based on the board's recommendations.

We still must deal with tough issues like stranded debt and market power, and our legislative framework must always be responsive and flexible enough to respond to



the healthy evolution of a robust marketplace. That's why we have top-notch experts like the Market Design Committee helping develop a made-in-Ontario solution to issues like market power, and I look forward to their next report at the end of this month.

How we handle stranded debt will impact on competition in the new marketplace. That's why my colleague the Honourable Ernie Eves, the Minister of Finance, and his staff have engaged the brightest and the best financial expertise available.

As you know, Dr Bryne Purchase's discussion paper and the Ministry of Finance's policy options will be released in early July. They will form the basis of extensive further consultations concerning stranded debt.

There is an unprecedented level of support for the changes that this bill proposes. Public opinion strongly endorses the idea that the status quo is not working. With the members' approval of this bill, we would be able to bring full competition to Ontario's electricity sector, ensure a level playing field for all taking part in this new competitive market, and introduce reforms to natural gas legislation which would allow gas markets to function more efficiently. The bill before the House for consideration would accomplish all these things while boosting the economy by encouraging job creation and investment.

On this occasion I would like to thank my cabinet colleagues Finance Minister Ernie Eves, Environment Minister Norm Sterling and David Tsubouchi, Minister of Consumer and Commercial Relations, for their support and their contributions to this bill. Thanks also go to my parliamentary assistant, Helen Johns, for the pivotal role she has played in the process and the invaluable assistance and advice she has provided to me.

There are many others, and many were in the visitors' gallery today to watch the introduction of first reading of this legislation, and there are many from many of our ministries whose dedication and hard work I cannot adequately acknowledge here today, but who can see their efforts reflected in this bill. To them, I would like to offer my sincere appreciation for their help in turning the vision of the white paper into the reality of the bill before us.

Efficient energy distribution, fair rules for all industry participants and vigilant regulation would mean all customers could benefit from greater choice and the assurance of a safe and reliable power supply at the lowest possible cost.

**Mr Sean G. Conway (Renfrew North):** On behalf of my Liberal colleagues, I want to respond to the Minister of Energy's statement with respect to the introduction of the new Energy Competition Act. Let me say at the outset that this is, as the minister rightly observed, very important legislation. It is hard for me to imagine this Parliament dealing with public policy that will have the wide-ranging significance that this bill will have. Needless to say, I have not had the opportunity to read the several hundreds of pages of text and supporting documentation that were presented by the minister a few moments ago.

Let me say on behalf of my colleagues in the Liberal Party that we feel very strongly in support of competition

in the energy marketplace, certainly the electricity marketplace, and we feel even more strongly about the first-order importance and need for a more rigorous and more transparent regulation, not just of Ontario Hydro but of all players in the electricity and natural gas sector. So there is no confusion: We support strongly the principle of a competitive marketplace for electricity and we support equally strongly the principle of greater transparency and more rigorous regulation of the electricity and natural gas marketplaces.

There can be no member who does not understand that much of this policy touches upon the troubled state of affairs at Ontario Hydro. The irony — and the minister has left us for the moment. This century began with Ontario Hydro representing the great hope for this province. The century ends with Ontario Hydro as a badly beleaguered and embattled crown utility, not all bad but certainly if one was, as I was, a member of the select committee last fall, it was hard to leave that three-month exercise feeling that all was good at Ontario Hydro Nuclear.

Let there be no mistake about it: We are all responsible, both in government and in the Legislature, for that failure. The great fiction of the crown corporation, that we are in a sense putting to bed with this legislation, is that we could, as a duly elected Legislature and executive council drawn from Parliament, be responsible for it and direct it. We all failed in that responsibility, to varying degrees.

There's a great deal, as the minister says, of unanimity for this policy. But I remember 25 years ago when there was a major consensus. Big government, big business and big labour spoke as one in support of the massive nuclear power commitment. There was some complaint, written off as just incidental complaining, but boy, was there consensus for the energy path down which we all went a quarter of a century ago.

Today I see similar consensus, and now I'm a little more sceptical. When I see such unanimity, I really want to find out where are the trouble spots, and there are trouble spots. We will advertise this policy as a benefit to all consumers. That's the hope and that's the promise. Let me tell you, they are absolutely salivating down on Bay Street. A greater business and investment opportunity has not been presented to this province in a long time than with this policy.

The question is, on Main Street they are hoping and expecting that the rate discounts the minister advertises will in fact be delivered. I want to tell you, in the rural Ottawa Valley, in the farming districts of southwestern Ontario, in the north and in residential districts of this great city in which we find ourselves, they expect that this is going to be a good deal for everyone. That's going to be a critical test.

There's also going to be the critical issue of stranded debt. The restructured Hydro that we will get as a result of this policy will leave behind between \$15 billion and \$20 billion worth of so-called stranded debt. The question remains, will the taxpayer and the residential electricity

customer be left with a disproportionate burden of that responsibility? It is a huge cost, and that is the expectation. The public out there hopes and prays for a general benefit, but let me tell you, a critical test will be, does that stranded debt of \$15 billion to \$20 billion get equitably apportioned across all classes of consumers? If it doesn't, this policy will fail a critical test.

1520

**The Speaker:** Responses; third party.

**Mr Wayne Lessard (Windsor-Riverside):** This is a very substantial bill, which I haven't had an opportunity to review completely, notwithstanding the breaks you gave us this afternoon.

On behalf of our caucus, I want to indicate that we support competition generally, but not at any cost. We agree that Ontario Hydro has to be fixed, but not at any price. Our concern is that this bill leaves the environment and the consumer at risk. We're going to see dirty coal power in Ontario. While the bill says that the minister may impose emission caps on outside generators, there's really no guarantee that he will do so, and this government's record with respect to environmental protection has been less than exemplary. The air is going to get dirtier, especially in areas like Windsor, my community, and also in southwestern Ontario.

This bill would also let the government hand over the regulation of energy brokers to a regime of self-regulation. That means that folks going door to door are going to have an opportunity — we hope they don't take it — to rip off consumers, but then also to regulate themselves.

Consumers are supposed to be kings and queens under this system, but the bill leaves them at risk. Although we agree with the government's goal of ensuring a reliable, safe supply of electricity at the lowest possible price, we ask, will industry restructuring as proposed in this bill actually result in lower electricity rates for all consumers? As a municipal taxpayer myself and as a residential ratepayer, I can't help but have this uncomfortable fear in the back of my mind that some big corporate consumers and investors will get a break and people like me are going to be stuck with the bill. Like many other parts of this government's agenda, this opens the door to privatization through the back door. We're going to hear a lot from the government's corporate buddies with deep pockets during this summer's hearings, but we really wonder, who is going to speak for consumers?

**Mr Howard Hampton (Rainy River):** I want to respond to the announcement the government didn't make today. It is indeed mysterious —

**The Speaker:** Leader of the third party, you cannot respond to a statement that wasn't made.

**Mr Hampton:** Speaker, I'm making my response.

**The Speaker:** Okay, but with great respect, as I said Thursday last, you can't stand up and tell me that you're going to break the rules. You've got to stick to the responses as they are today.

**Mr Hampton:** I'm merely going to address the state of democracy in Ontario, and the state of democracy in Ontario is this —

**The Speaker:** You know what? The rules are very clear, leader of the third party, and they say specifically that you have five minutes to respond to the statement made by minister or ministers. There was one statement today, I believe, and that was the Minister of Energy.

**Mr Hampton:** Speaker, whether it is the running of Ontario Hydro or the running of this place, it seems to me that democracy has a place and has a function. What we have seen here today is a government that unilaterally intends to change the rules of democracy, a government that unilaterally intends to change the rules for democratic elections in this province. That is unheard of.

In newly emerging democracies around the world, the different political parties and political movements actually sit down and work out by consensus what the rules for democratic election will be. But in Ontario, the government stands up and announces its direction on Hydro, but the government does not believe that the basic rules of democracy and democratic elections should be set by broad agreement. The government believes that it can unilaterally do that.

Emerging democracies across the world say, "Shame on you." They know this kind of process won't work. They know this kind of process is fundamentally anti-democratic.

Hydro will take us in the direction now where the corporate bidders will have the greatest say on power in this province, but your election rules will give the corporate bidders, your corporate buddies, the loopholes to literally buy elections in this province. They will have more power, more influence than ever before. Shame on you for your anti-democracy. Shame on you for your dictatorship.

**The Speaker:** Leader of the third party, to accuse the government of being dictators is out of order. I ask you to withdraw that.

**Mr Hampton:** I didn't say that, Speaker.

**The Speaker:** Leader of the third party, I heard you say, "Shame on the government for their dictatorship." To me, that's out of order. I'm asking you to withdraw.

**Mr Hampton:** I withdraw that part of it, Speaker.

## ORAL QUESTIONS

### ELECTORAL REFORM

**Mr Dalton McGuinty (Leader of the Opposition):** In the absence of the Premier and the Deputy Premier and the Chair of Management Board, I'm —

*Interjections.*

**Mr McGuinty:** Now that the minister has arrived, I'm prepared to allow him this opportunity to make a statement, Speaker, and I seek unanimous consent in that regard.

**The Speaker (Hon Chris Stockwell):** We've already done that. We've done it twice and it was turned down both times, so I suggest we get on with question period.



**Mr McGuinty:** Minister, we've seen a lot of conventions and traditions broken along the way during the past three years of the Mike Harris government. But I don't think any of us on this side of the House ever suspected that you would do what you have done today in this Legislature.

Under cover of a Hydro bill, an extremely important bill that warrants the utmost attention and scrutiny, you have refused to make a statement and to talk to us about your bill, which was introduced without the consent of the parties on this side of the House. That breaks every long-standing, well-meaning, positive tradition in this House. Why have you chosen today to break a tradition and change the rules of the electoral game without the consent of all three players?

**Hon Chris Hodgson (Chair of the Management Board of Cabinet, Minister of Northern Development and Mines):** It was our hope that we would be able to get unanimous consent on the changes to the Election Finances Act, which hasn't been changed since 1986 in this province. It's recognized that we need to modernize the election act and go forward.

That's why the previous governments set up a commission which had seven members — two representatives chosen from the caucus of each party plus a commission chair, Jack Murray, a past president of the NDP — who made recommendations to this government and to the other House leaders on how to change. As well, we had the chief election officer, Warren Bailie, make recommendations on how to change and update and modernize the election act in Ontario to save taxpayers' dollars.

You speak of tradition. The tradition happened once in this province, in 1986, and we had all-party agreement. But I might add that the tradition wasn't for the Leader of the Opposition to go out and have a seat sale prior to that, to handcuff the attempts that we've made to have all-party agreement on this through sessions of negotiation.

**Mr McGuinty:** If you don't understand and respect the tradition, then you ought to understand the simple rules of fairness. There are three players in the game. There's the government player, the official opposition player and the third party player. You can't change the rules of the game without the consent of all three players. Ask any kid anywhere in any school ground in this province and they will tell you that they understand that. You can't change the rules of the game without the consent of all the players involved.

I'm going to ask you again: Why have you chosen to breach fundamental rules of fairness? Why have you chosen to stack the deck, to rig the game so that it's making it much easier for you to institutionalize yourselves as the government in Ontario?

1530

**Hon Mr Hodgson:** That just isn't the case. I think the Leader of the Opposition knows full well that his party had two representatives who were chosen by his caucus to represent their party, the NDP had two representatives to represent their party, and our party had two, and a chair was chosen who was a past president of the NDP — five

votes against two, and they unanimously came forward with a series of recommendations.

One of the recommendations was to increase the election spending for ridings to \$1.40 an elector. Your party clearly said that was unacceptable. You recommended the federal limits, you wanted the same spending as the federal, and that's what this act does. We've listened to your concern as well.

I would have liked to have had more opportunity to sit down with all three parties and discuss this, but your party refused to cooperate. I ask you why you don't agree with your caucus's appointments on this commission.

**Mr McGuinty:** Our party did not refuse to cooperate on this issue. What we did refuse to do was to be co-opted, and there's a big difference. We said that we would sit down and work with you to produce a bill on one condition. That condition was quite simply that we would work together and we would produce a result we all could live with. You said you wouldn't accept that. You said that, come hell or high water, you're going to want this thing through, like you've done with other things in the past, whether we're talking about Bill 26 or the megacity bill. I was wondering where the bully had gone. I can tell you the bully is back. We were going to have a caring, compassionate, kinder and gentler government, but now the bully is back.

I'm going to ask you, understanding now the real implications of this legislation, understanding that you have broken a long-standing convention in this House, will you now stand and withdraw the bill?

**Hon Mr Hodgson:** The Leader of the Opposition knows full well that his party voted against the Fewer Politicians Act earlier. We have fewer politicians who are going to represent this province in the next election. There have been a lot of changes since 1986. A need for change has been recognized.

As well, you say, historically speaking, that governments have never done this before. I might remind you that four provinces, British Columbia, New Brunswick, PEI and Saskatchewan, were all faced with a similar choice: Do we modernize and save taxpayers' dollars, bring the rules up to date, even though you can't seek all-party agreement? What your party asked for was a muzzling of our caucus so that we would agree with every proposal that came from your caucus, and that is unacceptable.

**The Speaker:** New question, leader of the official opposition.

**Mr McGuinty:** To the same minister, listen, I understand the spin now. We've all got on to it: that this is nothing more than the same system the federal government has in place. I think it's very important for the people of this province and the members of the media to understand that this is in fact not the case. What we're talking about here is that the feds run a 36-day campaign; we're going to run a 28-day campaign. Even though we have an identical riding now, we're going to end up spending more than the feds do during a 28-day period than they spend in a 36-day period. Furthermore, we're going to have excluded from the limits on campaign expenditures now things like

polling, research and travel. You guys spent close to \$900,000 in polling at the time of the last campaign. That's about \$9,000 per riding. Why are you telling us today that the system you are putting in place is identical to the federal system when you know in fact that it is not?

**Hon Mr Hodgson:** The Leader of the Opposition knows full well that the commission recommended \$1.40 per elector. He went out and had a big press conference calling for a seat sale and clearly put his party on the record as saying that they found the federal spending limits acceptable — 96 cents per voter — and that's what this government has introduced here today.

He also went on to talk about a lot of other things. It is different from the federal in that we have limits on the amount that can be donated, and I know the federal rules do not limit donations. We think there need to be some limits on donations and we've agreed with the all-party commission that spent four years deliberating on this on that point.

**Mr McGuinty:** Here's a very simple, straightforward question: Why is it that we need to spend more money during a 28-day campaign, during the course of a provincial election, than the feds spend during the course of a federal election, during a 37-day campaign? Why do we need to spend more money during a shorter period of time?

**Hon Mr Hodgson:** You're clearly on the record as supporting the federal spending. That's why we brought that in, even though inflation would make it \$1.06 per riding, even though the commission, which had two of your representatives on it and three from the NDP, recommended that it be \$1.40. We've tried to listen to your concerns. I tried to negotiate with your party on two separate occasions, and they said, "We refuse to talk unless you lay down the right to proceed in the interest of the taxpayers, the people of Ontario." The chief election officer has said that because you've created a permanent voters' list the writ period can be shortened.

**Mr McGuinty:** A shorter campaign period benefits the government. It benefits the incumbent. Higher spending limits benefit the government. They benefit the incumbent. Do you know why? This government is advertising, is campaigning, on an ongoing basis right now with taxpayers' money. We don't have that kind of money. We need the full campaign period to get our message out. We don't have as much money as you do. I'm not ashamed to admit to that, but you know what? It seems to me that ultimately what ought to govern during the course of a campaign are ideas and policies and not the amount of money you have. Why is it that you're bringing about the Americanization of politics in our province?

**Hon Mr Hodgson:** A party leader who voted against the Fewer Politicians Acts, who voted against any change that might benefit the taxpayers and the savings of creating a permanent voters' list and other changes which allow for a shorter writ period. He asked the commission for the federal spending limit, not the \$1.40 they asked for, but the 96 cents, and we've done that.

**The Speaker:** New question, third party.

**Mr Howard Hampton (Rainy River):** The Premier should be here to answer these questions, but since he is not I'll address them to the Chair of Management Board. What you're doing today is unilaterally changing the democratic rules of Ontario. You are unilaterally changing the rules for democratic elections in this province. Can you tell us why in some of the newest emerging democracies around the world the different political parties actually sit down and reach consensus on what the rules should be for election, yet here in Ontario the Conservative Party believes it should and can do it unilaterally? Can you tell us why?

**Hon Mr Hodgson:** The leader of the third party knows full well the process that was started under his government, that tried to get all-party agreement by appointing representatives to represent their party's point of view. His party had two, the Liberals had two, our party had two. The chairman who was chosen was a former party president of the NDP. He had five votes out of seven. They made recommendations that were given to all parties.

Our hope was that we could have come to a mutual understanding and proceeded in the interests of modernizing the Election Act, which hasn't been changed in 12 years. But your hyperbole about democracy and that governments aren't allowed to go ahead and modernize and look after the changes —

*Interjection.*

**Hon Mr Hodgson:** Thank you for the tip. Are you referring to the province of British Columbia? Are you talking about the province of New Brunswick? Are you talking about the province of PEI? Are you talking about the province of Saskatchewan? They've all been faced with this situation where they need to modernize and update their election and election finances acts and they've been unable to get the other two parties to agree to it.

1540

**Mr Hampton:** The government wants to confuse three or four people meeting in a back room with democracy. I want you to understand: Laws are made in this place, rules are made in this place, not in a back room somewhere. What you're trying to do is march in here and unilaterally change the rules of democracy. Even emerging new democracies don't try to do that. I say, "Shame on you."

But even worse, you go far beyond the so-called election expenses commission. The election expenses commission did not advocate that you be allowed to add 50% more spending for the leader's campaign, the central party campaign. You, through this bill, are going to allow yourselves to spend another \$1.3 million on your campaign without any discussion, without any consensus. Can you tell me where in the election expenses commission recommendations they advocate that you should be allowed to increase your spending by \$1.3 million unilaterally?

**Hon Mr Hodgson:** You talk about back rooms. You had three of the seven members who reported, and they recommended a list of exclusions that they attached. As you know, these rules have changed in and out, depending



on the time period, all through the 1990s. In their report, they have a list of exclusions which, I believe, if you look at them, will refer to those items you talked about.

**Mr Hampton:** The minister tries to confuse the issue again. The reality is that you, through this bill, are going to unilaterally allow yourselves to spend another \$1.3 million — another \$1.3 million in corporate contributions from the likes of the Latner family. You're going to make it possible for your corporate friends to belly up to the bar and literally buy the outcome of elections.

If you add in the exclusions for the leader's tour, the exclusions for polling, the exclusion for computer banks, it adds another \$2 million that you'll be spending on campaign advertising — another \$2 million that your corporate friends will be able to come to the table with and use to buy influence.

Does that sound to you anything remotely like democracy, where it's how much money you have, how much money you can get out of your corporate friends, rather than the ideas and the principles you put forward? Is that your definition of democracy?

**Hon Mr Hodgson:** The leader of the third party knows full well that the commission made recommendations that look at the existing rules as well as the exclusions.

The 60-cents-per-voter increase you're talking about is the federal rules. The commission recommended \$1.40 per riding and the Liberal Party went on the record as saying they supported the federal spending limits, so we adopted that. If you take a look at it, that means 60 cents per voter for the party and 96 cents for each elector.

**The Speaker:** New question, leader of the third party.

**Mr Hampton:** Another non-answer, so I'll try again to the same minister. I want you to understand what's going to go on here. This is a government that's going to spend taxpayers' money putting out partisan political propaganda right up until the day they call the election, so people will see this kind of political garbage from your government, partisan garbage, right up until the day the election is called. Here's one; here's another.

Then the day the election is called there's going to be a short blackout period, but after that blackout period you're going to be able to spend \$2 million more on paid corporate advertising.

I ask you again, does that sound remotely like democracy to you? It sounds to me like somebody trying to buy an election.

**Hon Mr Hodgson:** The third party voted against the Fewer Politicians Act. I understand that. They don't want change. They don't want fewer politicians. They're rejecting the advice from the commission that was set up under their terms to deal with this to try to get all-party agreement. They did agree: two representatives from your party and the chairman. They're disagreeing with the chief election officer's recommendation and they're against the Liberal suggestion that we go to the federal limits.

**Mr Hampton:** The minister tries to fall back on the election expenses commission. The election expenses commission didn't recommend that you up the central party spending, the leader's spending, by 50%. They

didn't recommend that you be able to spend another \$1.3 million on advertising. They didn't recommend some of these other exclusions which will allow you then to bump it to \$2 million more per campaign on advertising. But it gets worse than this.

The reality of this is that the government will know when they're going to call the election, so they'll be out there running this propaganda until the day of the election. Just before they call the election, they can call up the media agencies and book the advertising time. Opposition parties don't get to call newspapers, radio and television and ask —

*Interjections.*

**The Speaker:** Order.

**Mr Hampton:** The opposition parties don't get to call up and ask for advertising until the government has it all booked up and paid for by its corporate friends. Does that sound like democracy to you? Does that sound like democratic rules in election campaigns?

**Hon Mr Hodgson:** The other provinces in this country have had to modernize and bring their election acts up to date. I'm not saying it's a thing that we would have liked to have been able to do, but we recognized, on the advice of Jack Murray, the commission chair, and Warren Bailie that changes are needed. They recommended that if you are going to bring about change, do it before an election, in lots of advance time, so that people have a chance to adapt.

For you to say that you're unaware of when elections will be called, inside this place people know when elections are being called. The media speculate on it all day. To say that your research department won't give you a clue, in the fifth year or the fourth year of a mandate, to be prepared, I think that's totally off the mark.

We recognize the obligation to the people of Ontario. When we invested this money to set up these commissions, to have the chief electoral officer make recommendations that will save taxpayers \$15 million, modernize our rules to be consistent with other provinces in this country and to allow elections to be run with permanent electors' lists, I think that's an obligation.

**Mr Hampton:** This minister wants to refer to other provinces. I don't know of another province that is spending \$750,000 of taxpayers' money to put out this kind of political propaganda. I don't know of another province that is spending a further \$750,000 of taxpayers' money to put out more propaganda. I don't know of another province where anyone is trying to arrange the election spending so that they can put \$2 million more into political advertising without disclosing to the public that that's what they're all about.

This isn't about democracy, this isn't about efficient elections; this is about stacking the deck so that your corporate friends can buy the next election. That's what it is. That's the long and the short of it.

Minister, admit it. The 28-day election period wasn't recommended by the election expenses commission. The additions to central campaign spending weren't recommended. Why are you trying to bring in these unilateral

changes, these changes that are going to favour your government?

**Hon Mr Hodgson:** The leader of the third party is right: The election finance committee did not recommend the shorter writ period; it was the chief electoral officer. Because you have a permanent voters' list, due to technology, you can become in line with other provinces.

*Interjections.*

**The Speaker:** Order. New question, member for Renfrew North.

1550

## ONTARIO HYDRO

**Mr Sean G. Conway (Renfrew North):** My question is to the Minister of Energy. Minister, looking at your electricity policy from the perspective of a residential electricity consumer in Ontario, I would have two questions, and let me put the first. What can you promise me as an Ontario residential electricity consumer? What will you promise me as the discount, or what's the benefit in my residential rate going to be, let's say, two years out from this moment? What kind of percentage discount in residential electricity rates are you prepared to specifically offer to the people in this province two years out from this date?

**Hon Jim Wilson (Minister of Energy, Science and Technology):** The government has been very careful not to in any way mislead the public and our residential power consumers, which all of us in this House are, power consumers, and it's an essential service in the province. We know there's a consensus in this province, with the unions, with business large and small and with most politicians across the province, including our municipal politicians, that the status quo, the increase in rates we've seen over the last decade, where Ontario Hydro has had a monopoly on our power system — some 30% increase and going through the roof, making our businesses uncompetitive and making it difficult to attract new industry to this province. We do know that the status quo is not an option.

The second fact we know is that the world is changing. In the United States, with President Clinton's announcement some two months ago that all the states would move towards full competition, with our neighbouring provinces and other provinces in Canada moving towards full competition — and where competition has taken hold in this world, prices have fallen, in many cases dramatically, and we hope the same for Ontario.

**Mr Conway:** But a hope and a prayer aren't good enough. In your statement you talk about "a promise made and a promise kept." Your statement is very specific that rates will come down for residential customers. I have a question: How much will my residential rate come down in Ontario, and when?

Second, I am a residential customer. I know that there is going to be, as a result of a restructured electricity sector, about \$15 billion or more worth of so-called stranded debt. I also want to know, what specific measures are you going to take in this legislation or in the related

policy to protect me, the residential electricity customer, from carrying a disproportionate share of that multibillion-dollar stranded debt?

**Hon Mr Wilson:** In every jurisdiction that has introduced competition to date, we've seen electricity prices fall for both residential consumers and industries large and small. Clearly, the status quo of escalating exponential increases in hydro rates in this province is not sustainable and it's not right. With the direction we're headed in, with the introduction of the white paper on November 6, we had an unprecedented consensus across the province from labour, from business, from politicians at different levels, from municipal electrical utilities themselves, from independent power producers and from our large industrial users like Stelco, the car companies and the pulp and paper mills that introduction of competition will bring down prices.

We know, for example, with TransAlta announcing a \$400 million possible investment in Sarnia, they are doing that to bring down prices for those industries, those important petrochemical industries in Sarnia. Clearly, a company like TransAlta would not be planning a \$400 million investment in Ontario if it did not think it would serve its new customers well and bring prices down.

## ELECTORAL REFORM

### RÉFORME ÉLECTORALE

**Mr Howard Hampton (Rainy River):** I have a question to the Chair of Management Board again. We saw something incredible here today. We saw a government bring in legislation to change the basic rules of democracy, the basic rules of democratic election campaigns, and we saw the minister who is responsible afraid to get on his feet and explain to the people of Ontario why he was bringing this forward.

Minister, can you tell us why you went and hid, why you wouldn't get on your feet and explain to the people of Ontario why your government feels that it has the power and the right to unilaterally change the democratic election rules of Ontario? Why wouldn't you get up and defend yourself? Why did you run and hide?

**Hon Norman W. Sterling (Minister of the Environment, Government House Leader):** On a point of order, Mr Speaker: I think the members of the Legislature should know that there is nothing out of order with regard to what that minister did. There is no requirement with regard to —

**The Speaker (Hon Chris Stockwell):** We have a very brief time for question period, and you're not in order. That's not a point of order.

*Interjections.*

**The Speaker:** Members, it's not a point of order. Minister?

**Hon Chris Hodgson (Chair of the Management Board of Cabinet, Minister of Northern Development and Mines):** I'm glad the leader of the third party asked



the question. When his party gets up and votes against a bill on first reading, they've already made up their mind. We will have plenty of time to debate this on second and third reading.

It's my pleasure to introduce the bill today. I realize that politicians have shied away from this. Your government shied away from it, so what you did was set up a committee. I commend you for that. We appointed two representatives, your party appointed two representatives, the Liberals appointed two representatives, and the chair who was chosen was the past party president of the NDP.

They recognized the need to modernize and update our Election Act and they came forward with some suggestions. All three parties met, trying to come up with an agreement. Your parties found it unacceptable to talk about the proposals. Unfortunately, we as a government have to look after the taxpayers and the voters and modernize this Election Act based on the recommendations that your process created.

**The Speaker:** Supplementary, the member for Cochrane South

**M. Gilles Bisson (Cochrane-Sud) :** Mon supplémentaire est au même ministre. C'est très clair. La commission des élections a fait des recommandations, mais vous, le ministre, vous êtes allé au-dessus de ce que la commission a demandé et de ce qu'ils ont recommandé.

Eux-autres n'ont pas parlé d'augmenter les dépenses tel que vous recommandez dans votre projet de loi. Toute la question d'exclure les dépenses de transport pour le premier ministre et sa tournée durant des élections, toute la question de ne plus être capable d'exclure le coût des sondages pour les partis politiques, ce n'était pas dans les recommandations.

Je vous pose la question ; c'est très simple. Vous avez choisi, monsieur le Ministre, de rentrer dans cette Assemblée aujourd'hui, introduire un projet de loi tout seul, sans l'appui des partis de l'opposition, et au-dessus de ce qui était recommandé par la commission d'élections. Pourquoi ?

**Hon Mr Hodgson:** I want to thank the member of the third party for the question. He will find with this bill that it adopts the recommendations of the commission and the chief election officer. As well, your specific question has to do with increased spending. The commission recommended \$1.40 per voter and the Liberal Party was on record as saying they supported the federal, which is about 96 cents per voter. So we took that recommendation. I realize the commission recommended \$1.40, but we chose the 96 cents. If we had taken even inflation, it would be \$1.06. Thank you for the question.

#### ARTS AND CULTURAL FUNDING

**Mr Dave Boushy (Sarnia):** My question is to the Minister of Citizenship, Culture and Recreation. We know that the contribution of the arts and culture sector to enhance our quality of life is enormous. I'm informed that Canada's arts and culture sector employs 670,000 people

and contributes \$16 billion to the national economy. With the recent announcements by the Minister of Finance in the budget, it appears that the government is strengthening this sector, which is good news for my riding. Would you be able to tell me what is the status of the various culture funds, please?

**Hon Isabel Bassett (Minister of Citizenship, Culture and Recreation):** I'd like to say, first of all, that you're perfectly right that the arts and culture are a huge business for the province, every single corner of it. The recent announcements of the Minister of Finance are aimed at helping to develop a robust arts community with a healthy bottom line, which of course is one of my main initiatives.

The investments we are making through the two funds announced by the Minister of Finance will act as a catalyst and a lever for economic growth in the cultural sector and the economy in general, right across the province, I might add to you, for the people in your riding, in Sarnia. The economy will be benefited by the new jobs, growth and in general the vibrant arts and culture sector.

**Mr Boushy:** Too often the health of the arts sector becomes synonymous with how much the government is giving to the Ontario Arts Council. I know the government's move to increase emphasis on private sector investments in the arts has been characterized by the Liberal critic as harmful to medium-sized and smaller arts organizations and medium-sized and small communities.

**The Speaker (Hon Chris Stockwell):** Thank you. Pursuant to standing order 30(b) I'm now required to interrupt proceedings and call orders of the day.

#### ORDERS OF THE DAY

##### PREVENTION OF UNIONIZATION ACT (ONTARIO WORKS), 1998

##### LOI DE 1998 VISANT À EMPÊCHER LA SYNDICALISATION (PROGRAMME ONTARIO AU TRAVAIL)

Resuming the adjourned debate on the motion for second reading of Bill 22, An Act to Prevent Unionization with respect to Community Participation under the Ontario Works Act, 1997 / Projet de loi 22, Loi visant à empêcher la syndicalisation en ce qui concerne la participation communautaire visée par la Loi de 1997 sur le programme Ontario au travail.

**The Speaker (Hon Chris Stockwell):** Pursuant to the order of the House dated June 4, 1998, I'm now required to put the question. Mrs Ecker has moved second reading of Bill 22. Is it the pleasure of the House that the motion carry?

All those in favour please say "aye".

All those opposed please say "nay".

In my opinion, the ayes have it.

Call in the members; this will be a five-minute bell.

*The division bells rang from 1600 to 1605.*

**The Speaker:** All those in favour please rise one at a time and be recognized by the Clerk.

#### Ayes

Baird, John R.  
Barrett, Toby  
Boushy, Dave  
Brown, Jim  
Carr, Gary  
Carroll, Jack  
Clement, Tony  
Cunningham, Dianne  
Danford, Harry  
DeFaria, Carl  
Fisher, Barbara  
Flaherty, Jim  
Ford, Douglas B.  
Fox, Gary  
Galt, Doug  
Gilchrist, Steve

Grimmett, Bill  
Hardeman, Ernie  
Harrick, Charles  
Hodgson, Chris  
Hudak, Tim  
Jackson, Cameron  
Johnson, Bert  
Johnson, David  
Jordan, W. Leo  
Kells, Morley  
Marland, Margaret  
Martiniuk, Gerry  
Maves, Bart  
McLean, Allan K.  
Munro, Julia

Murdoch, Bill  
O'Toole, John  
Ouellette, Jerry J.  
Preston, Peter  
Rollins, E.J. Douglas  
Saunderson, William  
Shea, Derwyn  
Spina, Joseph  
Sterling, Norman W.  
Stewart, R. Gary  
Tascona, Joseph N.  
Turnbull, David  
Villeneuve, Noble  
Wood, Bob  
Young, Terence H.

**The Speaker:** All those opposed please rise one at a time and be recognized by the Clerk.

#### Nays

Agostino, Dominic  
Bisson, Gilles  
Boyd, Marion  
Castrilli, Annamarie  
Churley, Marilyn  
Cleary, John C.  
Duncan, Dwight

Gerretsen, John  
Grandmaître, Bernard  
Lalonde, Jean-Marc  
Lessard, Wayne  
Martel, Shelley  
Morin, Gilles E.

Patten, Richard  
Phillips, Gerry  
Ruprecht, Tony  
Sergio, Mario  
Silipo, Tony  
Wildman, Bud

**Clerk of the House (Mr Claude L. DesRosiers):** The ayes are 46; the nays are 19.

**The Speaker:** I declare the motion carried.

By order of the House, the bill is referred to the standing committee on administration of justice.

*House in committee of the whole.*

**The Chair (Ms Marilyn Churley):** Staff can come on to the floor of the House.

### STREAMLINING OF ADMINISTRATION OF PROVINCIAL OFFENCES ACT, 1997

#### LOI DE 1997 SIMPLIFIANT L'ADMINISTRATION EN CE QUI A TRAIT AUX INFRACTIONS PROVINCIALES

Consideration of Bill 108, An Act to deal with the prosecution of certain provincial offences, to reduce duplication and to streamline administration / Projet de loi 108, Loi traitant des poursuites concernant certaines infractions provinciales, réduisant le double emploi et simplifiant l'administration.

**The Chair (Ms Marilyn Churley):** We're still on Mr Bisson's amendment and we have 15 minutes for the entire session this afternoon. The member for Cochrane South.

**M. Gilles Bisson (Cochrane-Sud):** Comme on le sait aujourd'hui, on se trouve dans la situation que le gouvernement a décidé d'utiliser une motion de clôture qui limite le temps qu'on a pour être capable de trouver finalement un

amendement qui clarifierait, ferait d'une manière claire la protection des droits linguistiques des francophones. On a essayé depuis le mois de décembre passé, notre parti, le parti NPD, avec l'AJEFO, d'arriver à une accommodation avec le gouvernement qui donnerait un amendement qui est clair, et qui dit que les droits des francophones sont protégés. Le gouvernement a prétendu d'avoir un amendement tel, et il a proposé, à travers des négociations avec l'AJEFO, de trouver un amendement qui dit que le gouvernement va protéger les droits linguistiques des francophones. Comme j'ai dit hier dans le débat, quand on a donné cet amendement à tous les juristes, et qu'on leur a demandé de donner une opinion, est-ce que l'amendement fait ce que le gouvernement prétend? Toutes les décisions, tous les documents qu'on on reçus ont dit «non». On nous a dit que cet amendement ne protège pas adéquatement des droits des francophones tel que le procureur général le dit.

Et, on est pogné dans la situation telle que le gouvernement hier aurait pu introduire une motion de clôture pour être capable d'allouer leur amendement de passer avec une majorité, mais ils ont décidé que non. Après avoir pris cette route, on s'est trouvé avec 15 minutes au Comité plénier pour être capable de trouver une accommodation à ce problème.

Moi, je veux mettre sur le record que, quelles que soient les communautés francophones auxquelles j'ai parlé, comme l'ACFO, comme l'AJEFO et autres, jusqu'à récemment, dimanche, elles ont passé une résolution au conseil de l'ACFO annuel, où tous les délégués — et c'est important à dire — ont passé une résolution unanime qui dit qu'ils ne croient pas que l'amendement du gouvernement conservateur, du procureur général, préserve les droits linguistiques. Quand la question s'est fait poser samedi matin devant les deux chefs de l'opposition et le ministre, M. Villeneuve, «Est-ce que vous avez la confiance, les délégués de cette assemblée, que l'amendement du procureur général protège les droits des francophones — montrez en signifiant levant votre main» — pas un délégué à cette assemblée n'a levé leur main. Tous les délégués ont levé leur main en disant qu'ils n'avaient pas confiance à quoi le procureur général nous donnait.

Les documents des procureurs où on a demandé de nous donner des opinions légales nous ont écrit, et toutes les opinions qu'on a eues disent que l'amendement du gouvernement ne réalise pas les buts du gouvernement et que justement les droits des francophones ne sont pas protégés. On se trouve à cette situation.

Je pense, à ce point-ci, on a fait tout ce dont on est capable pour essayer de convaincre le gouvernement. Jusqu'à hier et aujourd'hui on a essayé de faire comprendre au gouvernement que leur amendement ne fait pas d'une manière claire qu'il donne la protection aux francophones qu'on veut avoir. On va laisser le gouvernement avoir leur amendement. On va les alouer d'introduire cet amendement au Comité plénier. Mais je veux mettre sur le record aujourd'hui que je suis sûr que dans six mois ou un an d'ici on va être dans une situation où un francophone va être refusé les services en français dans une municipalité, à une cour municipale. Quand cette personne essaye d'aller en cour pour dire, «Moi, je veux avoir mon procès en français,» elle va se faire refuser puis il va y avoir quasiment rien qu'elle peut faire.



L'amendement du gouvernement est très clair. Son amendement dit très simplement que tu as besoin de démontrer que tu as été préjugé et que si tu peux montrer que tu as été préjugé dans la décision, tu peux avoir ton procès en français.

Je pense que c'est clair. Le gouvernement a fait son choix. Ils ont choisi de ne pas donner la protection claire aux francophones de la province. Ils ont choisi à faire quelque chose qui est noir, quelque chose qui est sombre, quelque chose qui n'est pas clair. Pour quelle raison, je ne sais pas. On va savoir avec le temps. J'attends voir si le ministre — je le demanderai une autre fois au Comité plénier, «Êtes-vous préparé à accepter notre amendement qui dit d'une manière très claire que les services aux francophones vont être protégés tels qu'ils le sont dans l'amendement que j'ai proposé au caucus NPD, ou allez-vous choisir votre amendement, qui n'est pas clair ?

**The Chair:** Further debate?

**Hon Charles Harnick (Attorney General, minister responsible for native affairs):** I have an amendment to propose. It's been filed with the table.

I move that section 164 —

**The Chair:** Attorney General, could I just ask you to take your seat a moment.

**Hon Mr Harnick:** Yes.

**The Chair:** Is there any further debate after Mr Bisson's amendment?

**M<sup>me</sup> Annamarie Castrilli (Downsview):** J'ai entendu ce qu'a dit mon collègue M. Bisson. Je dois dire que ça fait beaucoup de temps que nous discutons cette question ici dans cette législature.

Ce n'est pas la première fois. Vous savez que nous avons eu toute une série de consultations avec les Ontariens et les Ontariennes. Tous les professionnels, tous les avocats, tous ceux qui nous ont dit quelque chose nous ont dit qu'il y a des problèmes. Plus récemment, nous avons vu, comme vous le savez, une opinion du bureau législatif ici qui a dit la même chose. C'est pour ça qu'on passe de nouveau cet amendement ici cet après-midi.

Vous savez que nous, Libéraux, avons mis le premier amendement devant la commission qui étudiait cette chose il y a un an. Alors, ce n'est pas une surprise que nous avons des problèmes avec la motion du gouvernement et le projet de loi du gouvernement.

Vous voyez, la question centrale, c'est celle-ci : croyons-nous vraiment dans les droits linguistiques des minorités francophones ?

**The Chair:** The member for Downsview, you're debating the government amendment which is yet to come; you're not debating Mr Bisson's amendment.

**Ms Castrilli:** No, I'm talking about Mr Bisson. I was responding that —

**The Chair:** We have eight minutes left to go and you must respond to Mr Bisson's amendment.

**Ms Castrilli:** Understood. Je veux dire alors, madame la Présidente, qu'il est très important de trouver une façon de donner l'importance qu'il faut donner aux droits linguistiques des francophones. L'amendement de M. Bisson est une façon de le faire. J'espère que le

gouvernement prend en considération cet amendement. S'ils ne veulent pas le faire, je veux suggérer au gouvernement qu'il est peut-être nécessaire d'amender la Loi 8 pour assurer que les municipalités soient assujetties aux lois linguistiques de cette province.

**The Chair:** Further debate? You have to be in your seat.

1620

**M. Jean-Marc Lalonde (Prescott et Russell):** Madame la Présidente, je m'excuse encore une fois de ne pas avoir été à mon siège.

Encore une fois, je crois que le gouvernement doit accepter l'amendement qui a été apporté par mon collègue de Cochrane-Sud. Sans cette nouvelle clause, il est très, très inquiétant. Nous savons bien qu'une interprétation, de temps à autre, peut être prise de différents sens, et puis dans ce cas-ci, le fait qu'on ne veut pas inclure cette clause, cet amendement, à l'intérieur de ce projet de loi nous épeure, de voir que le gouvernement ne veut absolument pas inclure cet amendement. Nous savons bien que le gouvernement dernièrement nous a toujours dit qu'on nous donne l'information dans les deux langues ici-même en Ontario. Mais si on regarde le dernier «pamphlet» que nous venons de recevoir, «The government is on the right track», dans ma circonscription, où nous avons au-delà de 120 000 de population, dont 68 % est francophone, on nous dit que personne n'a reçu cette information en français. Donc, encore une fois, ça laisse à désirer l'intention du gouvernement de donner les services dans les deux langues.

Donc, je crois que le gouvernement doit sincèrement dire qu'on doit supporter l'amendement déposé par mon collègue de Cochrane-Sud.

**The Chair:** Further debate?

**M. Bernard Grandmaître (Ottawa-Est):** Cet après-midi, j'ai eu l'occasion de rencontrer le procureur général. Il est très anxieux d'apporter son amendement. Je lui garantis que d'ici les cinq prochaines minutes, le procureur général aura l'occasion de présenter son amendement.

Mais si on revient à l'amendement de M. Bisson, nous avons reçu un avis légal. Pour que ce soit inscrit au record, l'avis de M. Beecroft apporte toutefois une dynamique différente, puisqu'on peut y lire le passage suivant :

"The issue of whether the right to a fair hearing was prejudiced would depend on the particular circumstances of the case. It might be relevant, for example, whether a French-speaking defendant was also fluent in English. It might also be relevant that in a province like Ontario, with residents who speak many different languages, it is not unusual for a defendant to be prosecuted by a prosecutor who does not speak the defendant's language."

C'est ça qu'on veut ; on veut que ça soit clair. On veut que le ministre apporte un changement qui soit clair et entendu par tout le monde.

Comme ma collègue M<sup>me</sup> Castrilli l'a mentionné, pour que ça soit clair dans tous les services, on peut apporter un amendement à la Loi 8.

**The Chair:** Further debate?

Mr Bisson has moved an amendment to subsection 1(2) of the bill. Shall the amendment carry?

All those in favour of the motion, please say "aye."

Those opposed, please say "nay."

In my opinion, the nays have it.

The vote will be deferred.

Are there any further questions or comments on this bill?

**Hon Mr Harnick:** I move that section 164 of the Provincial Offences Act, as set out in subsection 1(2) of the bill, be amended by adding the following subsection:

"Fair hearing

"(4) Without limiting the generality of subsection (3), that subsection does not preserve the validity of the proceeding if the failure to comply with the agreement results in prejudice to the defendant's right to a fair hearing."

**The Chair:** Any debate?

**M. Bisson :** Je veux seulement dire qu'on se trouve aujourd'hui à ce point-ci. Le gouvernement a alloué à ce point-ci non seulement de proposer l'amendement mais d'avoir la chance aussi en Comité plénier. Je demande une autre fois que le gouvernement accepte l'amendement que nous avons mis en avant, sur lequel on va avoir un vote qui va avoir lieu dans un couple de minutes, qui dit — c'est très clair — que les droits des francophones sont protégés.

Je vais le répéter une autre fois pour le record : toutes les opinions légales qu'on a demandées de tous les avocats, y inclus le bureau législatif ici à l'Assemblée législative, sont d'accord que l'amendement qu'on débat présentement ne va pas protéger les droits des francophones, parce que le francophone va avoir besoin de démontrer qu'il a été préjugé dans une décision parce qu'il n'a pas compris le langage ou donc que c'était fait en anglais, quelque chose qui est impossible à faire parce que la cour doit du moins donner un interprète, ce qui veut dire que l'on ne peut pas démontrer que l'on était préjugé.

On va se revoir en cour, monsieur le Procureur général ? Je suis sûr que dans les prochains six mois ou un an quelqu'un va faire appel aux cours que leurs droits ont été érodés sous le gouvernement de Mike Harris et le procureur général, M. Charles Harnick.

**M<sup>me</sup> Castrilli:** Je dois dire au procureur général que l'opinion est claire, que l'amendement du gouvernement ne veut pas faire ce que le gouvernement dit. La question est simplement cela. Si vous avez l'intention de protéger les droits linguistiques des minorités francophones ici en Ontario, pourquoi ne pas le dire clairement dans la législation ? Pourquoi faire ce jeu de mots ? Pourquoi ne pas dire honnêtement : «Nous voulons que les droits linguistiques des francophones au niveau municipal soient protégés» ? C'est une question très simple et il est très facile de donner une réponse positive aux francophones de l'Ontario.

Il est vraiment dommage que le gouvernement a forcé cette question d'imposer une motion de clôture. C'est vraiment dommage pour les Franco-Ontariens.

**The Chair:** Shall sections 2 through 5 carry? No?

All those in favour of the motion, please say "aye."

Those opposed, please say "nay."

In my opinion, the ayes have it.

The vote is deferred.

Mr Bisson has moved an amendment to subsection 1(2) of the bill. The questions have been deferred, and there will now be a five-minute bell on the amendment. Call in the members.

*The division bells rang from 1627 to 1632.*

**The Chair:** Mr Bisson has moved an amendment to subsection 1(2) of the bill.

All those in favour of the amendment, please rise.

All those opposed will please rise.

**Clerk Assistant (Ms Deborah Deller):** The ayes are 15; the nays are 40.

**The Chair:** I declare the amendment lost.

Mr Harnick has moved an amendment to subsection 1(2) of the bill.

All those in favour of the amendment will please rise.

All those opposed will please rise.

**Clerk Assistant:** The ayes are 40; the nays are 15.

**The Chair:** I declare the amendment carried.

Shall section 1, as amended, carry?

All those in favour will please rise.

Same vote?

**Clerk Assistant:** The ayes are 40; the nays are 15.

**The Chair:** I declare the section, as amended, carried.

Shall sections 2 through 5 carry?

All those in favour will please rise.

Same vote?

**Clerk Assistant:** The ayes are 40; the nays are 15.

**The Chair:** I declare sections 2 through 5 carried.

Shall the title of the bill carry?

All those in favour, please rise.

Same vote?

**Clerk Assistant:** The ayes are 40; the nays are 15.

**The Chair:** I declare the title of the bill carried.

Shall the bill, as amended, be reported to the House?

All those in favour will please rise.

All those opposed will please rise.

**Clerk Assistant:** The ayes are 40; the nays are 14.

**The Chair:** I declare the motion carried.

**Hon Norman W. Sterling (Minister of the Environment, Government House Leader):** I move that the committee rise and report.

**The Chair:** Is that agreed?

All those in favour will please rise.

All those opposed will please rise.

**Clerk Assistant:** The ayes are 40; the nays are 15.

**The Chair:** I declare the motion carried.

I do now leave this chair and return to the other chair.

**The Deputy Speaker (Ms Marilyn Churley):** Orders of the day.



1640

STREAMLINING OF ADMINISTRATION  
OF PROVINCIAL OFFENCES ACT, 1997

LOI DE 1997 SIMPLIFIANT  
L'ADMINISTRATION EN CE QUI A TRAIT  
AUX INFRACTIONS PROVINCIALES

Mr Harnick moved third reading of the following bill:

Bill 108, An Act to deal with the prosecution of certain provincial offences, to reduce duplication and to streamline administration / Projet de loi 108, Loi traitant des poursuites concernant certaines infractions provinciales, réduisant le double emploi et simplifiant l'administration.

**Hon Charles Harnick (Attorney General, minister responsible for native affairs):** As I said yesterday, there are four key benefits to this proposed legislation. First, the legislation transfers matters that have a local impact into the control and accountability of local authorities, while ensuring that there are clear and consistent provincial standards for the administration of justice. Second, it enables the province to focus on prosecuting serious criminal offences by allowing municipalities to prosecute minor ticket type of offences. Third, it meets a commitment this government has made to eliminate waste and duplication by bringing administrative functions together under one level of government. Finally, it provide municipalities with a new source of net revenue to improve local services.

I want to assure the members of the House that the preservation of the integrity of the justice system is fundamental to this proposed transfer. If the bill passes, the province will continue to be responsible for setting and monitoring standards for the administration of justice and to ensure uniform, fair and equal justice across Ontario.

In a moment, I will outline some of the key amendments we have made to the bill, which we believe make it stronger and more responsive to the concerns expressed during the hearings of the standing committee on general government.

Before I do, I would like to thank the considerable number of individuals and groups who have assisted the ministry in this initiative. From the outset, consultation and cooperation have been hallmarks of this process. Indeed, we received valuable input from municipalities, the judiciary, the bar, enforcement agencies, ministry staff and legal experts. This input enabled us to engage in constructive and productive dialogue on the Provincial Offences Act transfer since it was first recommended by the Crombie Who Does What Panel in August 1996.

Offences committed under the Highway Traffic Act, speeding infractions in particular, form the bulk of the offences for which tickets are issued under part I of the Provincial Offences Act. These types of violations have a considerable impact on local communities, so it simply makes sense that local governments should play a role in administering and prosecuting these offences.

Municipalities continue to express their enthusiastic support for the transfer. I would like to thank the many municipalities, particularly the Association of Municipalities of Ontario, that participated in consultations with the ministry and made an invaluable contribution to the design of the transfer.

I would now like to outline for the members of the House a number of amendments that have been made to Bill 108. These amendments are the result of the input we received during committee hearings and the many consultations we've held.

Because of concerns raised by municipalities and the opposition parties, we have rewritten parts of section 165. We've clarified that municipalities will remit to the province the victim fine surcharge, special purpose account fines and federal contravention fines after municipalities have collected Provincial Offences Act fines.

As well, we have recognized the validity of municipalities' desire to protect their staff from any civil liability suits that might be launched, as long as staff were performing transferred work in good faith. We've amended the bill to reflect this concern.

We've also noted the need for greater flexibility in intermunicipal partnerships. We've amended the bill to allow for the creation of a joint board of management. This will assist municipalities with the requirement that they join together in intermunicipal agreements to perform Provincial Offences Act responsibilities.

We have also consulted extensively with the Association of Francophone Municipalities of Ontario, which represents 45 municipalities serving more than 85% of the province's francophone population, and the francophone jurists, representing francophone jurists throughout the province of Ontario. They wanted further assurances that services in the French language would be maintained at provincial standards during and after the proposed transfer of Provincial Offences Act responsibilities to municipalities. We did that with the amendment to section 164. I am pleased to say that both associations have written to me supporting the government's proposed approach to protecting French-language services in the Provincial Offences Act transfer agreement.

AFMO said, "I would like to underline the importance of your leadership and involvement in striving not only to preserve and maintain existing rights in Ontario but, where feasible and reasonable, enhancing the existing provisions of services in French available before the courts of Ontario."

AJEFO, the association of French jurists, wrote:

"I would like to thank you for the successful result we achieved. I would like to thank you for your personal intervention in this matter and for your suggestions which allowed us to protect language rights which are so important to our Canadian identity. I am very happy that we were able to work together to amend this bill in so positive a manner."

I have already noted that consultation and cooperation have been the hallmark of the development of the legislation. I am confident that this spirit will continue if the bill

is passed and we begin to implement the Provincial Offences Act transfer. Once the proposed transfer process is complete, the Ministry of the Attorney General —

**Mr Gilles Bisson (Cochrane South):** On a point of order, Mr Speaker: There was supposed to be unanimous consent asked to split the time evenly between the three caucuses under the 30 minutes. That was the deal that was negotiated but it hasn't been asked yet. I would ask that that question be put.

**The Acting Speaker (Mr Gilles E. Morin):** Is there agreement that the time be divided equally? Perfect. Fine. Go on, Minister.

**Hon Mr Harnick:** Once the proposed transfer process is complete, the Ministry of the Attorney General will work with its municipal partners, anglophone and francophone alike, to streamline administration and prosecution of provincial offences.

Finally, the government appreciates the cooperation it has received on this initiative. However, in the long run it is not the government but rather the taxpayers of Ontario who will benefit from this legislation.

**The Acting Speaker:** Further debate?

**L'hon. Noble A. Villeneuve (ministre de l'Agriculture, de l'Alimentation et des Affaires rurales, ministre délégué aux Affaires francophones):** Je veux premièrement remercier l'opposition de leur coopération en nous accordant le temps pour introduire nos amendements au projet de loi 108. Ce projet de loi permettra aux municipalités de choisir et accepter de prendre les responsabilités d'un programme transféré du gouvernement provincial à ses municipalités et leur permettra de relever leurs revenus annuellement. C'est suite aux recommandations du rapport Crombie, Qui Fait Quoi, dont les municipalités ont exprimé leur intérêt à donner ce service sur une base municipale.

Il y a d'importantes différences entre le transfert de la Loi sur les infractions provinciales et les autres mesures de réaménagement. Le transfert de la Loi sur les infractions provinciales est un transfert progressif. Il surviendra lorsque les municipalités auront démontré qu'elles sont bel et bien prêtes et renferme un transfert de recettes nettes.

Je peux assurer mes collègues de l'opposition que le projet de loi 108 avec l'amendement aura les protections nécessaires pour assurer les services en français lors des transferts.

Il y a une chose qui ne changera pas avec le projet de loi 108. C'est l'accès au procès en français, et je le souligne puisque mon collègue tient à poser des questions et a peut-être un peu mal informé les francophones que le projet de loi 108 éliminera l'accès à un procès bilingue. Ce n'est pas le cas. La Loi sur les tribunaux judiciaires donne le droit à un procès bilingue sur demande à travers l'Ontario. C'est une loi introduite par mon collègue l'honorable Roy McMurtry sous le gouvernement Davis. Il a donné aux tribunaux judiciaires l'accès à un procès soit en français ou en anglais.

Les francophones de l'Ontario garderont le droit d'accès à un procès bilingue qui garantit que le juge, greffier, sténographe en plus du poursuivant provincial soient bilingues.

Suite au transfert des programmes aux municipalités, et inscrit dans le protocole d'entente, dans une telle démarche où

il y a demande de procès bilingues, le poursuivant municipal devra aussi être bilingue. Cette obligation fait partie des règlements de la justice ontarienne et elle est non négociable.

Le protocole d'entente précise également que tous les autres services à l'extérieur des tribunaux actuellement disponibles en français dans les régions désignées de notre province, tels que l'administration des tribunaux, les services d'information, le paiement des amendes, le service au comptoir, le service au téléphone etc, continueront d'être offerts dans les régions désignées en vertu de la Loi sur les services en français.

Avec le projet de loi 108, un comité de sélection sera établi pour la mise en oeuvre. L'AFMO et l'AJEFO ont déjà accepté de siéger et de participer à cette mise en oeuvre. En plus, afin d'assurer que les municipalités puissent offrir les services en français, le procureur général invite ces groupes francophones, l'AJEFO et l'AFMO, à aider les initiatives de former et d'offrir les outils nécessaires afin de desservir la communauté francophone.

Suite à l'approbation de ce projet de loi, les municipalités seront invitées à soumettre leur plan d'affaire et de démontrer qu'elles sont prêtes et qu'elles vont rencontrer les standards provinciaux, incluant le standard vis-à-vis les services en français avant même prendre leurs responsabilités.

À ce moment, je veux aussi féliciter et remercier les efforts de l'AJEFO, de l'AFMO et du travail qu'ils ont accompli avec mon collègue l'honorable Charles Harnick. Je suis fier qu'ils ont accepté de siéger au sein du comité de la mise en oeuvre et d'offrir leur service aux municipalités en Ontario. Je remercie tous et chacun de la coopération que nous avons vue ici cet après-midi après la période des questions.

**The Speaker (Hon Chris Stockwell):** Further debate?

1650

**M. Gilles E. Morin (Carleton-Est):** J'aimerais dire quelques mots avant que cette loi ne passe et tout simplement rappeler au ministre M. Villeneuve, qui était là dans le temps, que je me souviens quand la Loi 8 a été amenée dans la Chambre et débattue et que tout le monde était d'accord que c'était une bonne loi pour préserver les droits des francophones. Je me souviens aussi tellement bien qu'à ce moment-là le premier ministre du temps, M. Peterson, a agi de façon très claire. Tout ce que nous faisons avec cette loi, c'est de grouper ensemble les services déjà existants, oui, apportés comme question par l'ancien gouvernement conservateur, des services que nous ont pris des années à obtenir. Le but de la loi était de les préserver. La grande inquiétude que j'ai présentement est que c'est le commencement de l'érosion de la Loi 8.

My biggest concern is that when Bill 8 was implemented, it was practically a unanimous agreement in this House. The Premier was there too. I was in the chair at that time, leading the debates about Bill 8. Everybody was totally satisfied that the bill would not be touched, that the bill would never be tampered with. What you're doing today, unfortunately, is the beginning of the end. Yes, it is, Minister.

You state a letter that you've received from l'association des juristes, qui dit totalement le contraire. It's totally different than the interpretation that you give. I hate to



disagree with you on that, but let me assure you, the unfortunate thing is that this is the beginning of the disappearance of Bill 8 in Ontario.

**M<sup>me</sup> Annamarie Castrilli (Downsview) :** Je dois dire cet après-midi que c'est une journée très noire pour l'Ontario. Nous voyons le commencement de l'érosion des droits démocratiques dans cette province, et plus spécifiquement les droits linguistiques de la minorité franco-ontarienne ici dans cette province.

Nous avons vu pendant l'année que ce projet de loi était introduit beaucoup de manifestations, de discussions, de débats sur comment protéger les minorités franco-ontariennes. Le gouvernement a choisi de ne pas écouter. Nous avons plusieurs lettres, documents, opinions légales, opinions des experts qui nous disent que l'amendement du gouvernement ne suffit pas, que les droits linguistiques des franco-ontariens ne sont pas protégés.

Je dois dire que le gouvernement fait beaucoup de correspondance avec l'Association des juristes d'expression française de l'Ontario. Je veux dire au procureur général que l'association a une autre opinion du projet de loi qu'on considère cet après-midi. Elle dit clairement qu'il faut avoir une intention très claire, et que ce projet de loi n'est pas claire en ce qui concerne les droits linguistiques constitutionnels des francophones en Ontario. Ce sont des mots que j'espère que le procureur général va lire.

We've debated this issue in this Legislature for some 15 minutes. It is unthinkable that the linguistic rights of such an important group in Ontario would be reduced to 15 minutes in the Legislature and 15 more to come. That is simply a lack of respect for a community that has done much for this country, and quite frankly it's a very, very dark day for democracy in this province.

I want to read just a couple of comments of the many, many comments and the legal opinions that have been received with respect to what this legislation will do with respect to the rights of francophones. I will read to you the comments that the editors of the London Free Press felt compelled to publish just a while ago. They say:

"French-speaking Ontarians deserve to have their day in court in the official language in which they are most comfortable. It is not a favour to francophones to provide that service. It is something to which they are entitled. Now is not the time to weaken official language rights in our province. To do so would be to open the door for Québec Premier Lucien Bouchard to gain more fuel for his separatist fire. Ontario should not be a party to that, nor should it be a party to denying francophones their rights in this province."

That's what this bill signals the beginning of. It is really unfortunate that the government of the province has decided not to listen to the very legitimate concerns of the French-speaking minority, to their counsel, to the many organizations and individuals that have spoken very clearly.

**Hon Mr Harnick:** Dead wrong.

**Ms Castrilli:** The Attorney General says I am wrong. I refer him to recent correspondence with the association of French-language lawyers, who are very concerned about

this turn of events, and they worry about the diminishment of constitutional rights in this province. I hope the government will reconsider.

**M. Bernard Grandmaître (Ottawa-Est) :** Je voudrais continuer ce que mon collègue de Carleton-Est a mentionné tantôt. Aujourd'hui, on assiste à l'érosion, le début de la fin de la loi 8, parce que dès ce matin, je me suis fait dire que chaque service, que ce soit le logement, que ça soit le service d'ambulance, que ce soit tous les services qui sont délestés au niveau municipal, une entente protocolaire doit être signée entre les municipalités, qu'elles soient dans une région désignée ou non.

Alors, laissez-moi vous dire que nous allons faire face à ce même problème jour après jour parce que beaucoup de ces services-là, beaucoup des responsabilités présentement au niveau provincial, vont devenir des responsabilités au niveau municipal.

Laissez-moi vous dire pourquoi nous craignons que la communauté francophone craint ou a peur des gestes posés par le gouvernement. Laissez-moi vous mentionner juste un petit événement. L'hôpital Montfort, le seul et unique hôpital francophone universitaire, le gouvernement de l'Ontario veut le fermer. On ne l'a pas fermé, mais ça va venir. Ça c'est un geste, c'est un début de l'érosion des services en français. Peut-être qu'on va sauver l'immeuble de l'hôpital Montfort. Laissez-moi vous assurer que des débats comme vous entendez aujourd'hui vont se prolonger tout le long de 1998.

Je comprends qu'il y aura un comité pour la mise en place de ces services, mais par contre, les gens qui seront membres de ces comités-là n'auront pas de choix que d'aller selon les dires du gouvernement. Nous craignons les gestes du gouvernement d'aujourd'hui et je crains le geste que le gouvernement pose demain et après-demain envers les franco-ontariens.

**Mrs Marion Boyd (London Centre):** On a point of order, Mr Speaker: I believe we do not have a quorum.

**The Speaker:** Is a quorum present?

**Clerk Assistant (Ms Deborah Deller):** Mr Speaker, a quorum is not present.

*The Speaker ordered the bells rung.*

**Clerk Assistant:** Quorum is now present, Speaker.

**The Speaker:** Member for Prescott-Russell.

**M. Jean-Marc Lalonde (Prescott et Russell) :** Je crois que c'est une journée de deuil que nous vivons dans le moment. Si je dis une journée de deuil, c'est vrai. C'est que même le ministre des Affaires francophones, qui est porté, à critiquer le point que je soulève, même lui durant la période que nous avons connue lorsque l'annonce était faite pour la fermeture possible de l'hôpital Montfort, n'a pas eu le courage de dire qu'il défendrait la cause des francophones, qu'il défendrait le point de la fermeture de l'hôpital Montfort. Il a répondu : «Je ne suis pas le député de cette région. Je suis le député de Stormont, Dundas et Glengarry.»

**The Speaker:** Point of order, Minister? Stop the clock, please.

**L'hon. M. Villeneuve :** J'ai appuyé le SOS Montfort, M<sup>me</sup> Lalonde. J'ai encouragé puis j'ai dit —

*Interjection.*

**The Speaker:** Order. Member for Ottawa East, come to order please. The minister is standing on a point of order. Can you be very direct, Minister?

1700

**L'hon. M. Villeneuve :** J'ai encouragé M<sup>me</sup> Lalonde, qui est ici. C'était une commission dont nous ne pouvions —

**The Speaker:** Minister, that's not a point of order, with great respect. Member for Prescott and Russell.

**M. Lalonde :** J'ai seulement 38 secondes. Même si le ministre dit que lorsqu'on doit avoir accès à la cour provinciale les services en français doivent être respectés, c'est vrai, mais il faut se rappeler que le gouvernement provincial a procédé à du déstagement et ils ont transféré ses responsabilités aux municipalités. Donc eux n'ont pas à respecter la Loi 8. Actuellement, je crois que les municipalités n'auront aucun outil de négociation pour s'assurer à ce que les services francophones soient maintenus.

**M. Bisson :** J'ai seulement 10 minutes pour être capable de faire le sommaire d'où on se trouve avec ce projet de loi. Je vais faire le mieux que je suis capable dans les 10 minutes.

Très simplement, le gouvernement a fait une décision, qui n'était pas mal originalement, de transférer certaines offenses provinciales aux municipalités : contraventions de vitesse et autres. Le gouvernement voulait donner l'habileté aux municipalités de collectionner ces offenses provinciales et que les municipalités peuvent garder cet argent — pas une méchante idée.

Mais quand ils ont fait le transfert, le gouvernement a fait une erreur. Quand ils ont fait le transfert, ils ont oublié d'ajouter dans la Loi 108 les protections nécessaires pour garantir que les droits qu'on a comme francophones en avant nos tribunaux provinciaux soient protégés sous les tribunaux municipaux. Le gouvernement fait une erreur.

On a pointé cette erreur au comité après la deuxième lecture, le comité de cette assemblée. M. Rosario Marchese, le membre de Fort York, qui était là, a pointé le problème. Avec l'opposition on oeuvrait pour avancer un amendement à la législation à ce point-là. Le gouvernement a refusé.

Une fois que le projet de loi retournait au Comité plénier, j'ai introduit une motion qui dit très clairement que les droits des francophones seraient protégés si le transfert aura lieu avec des municipalités envers les offenses provinciales. C'est là que tout a commencé.

De ce point-là, ça a mis de la pression sur le gouvernement pour être capable d'essayer de trouver un amendement qui protégerait les droits des francophones d'une manière claire. Avec l'ouvrage de l'AJEFO — il faut donner du crédit jusqu'à un certain point — ils ont essayé de négocier un amendement avec l'AJEFO qui supposément donnerait une protection claire des droits linguistiques.

Premièrement, quand l'amendement est sorti, le gouvernement a vite été chercher des lettres d'appui d'ACFO et autres, sans donner la chance au monde de vraiment comprendre ce que l'amendement voulait vraiment dire.

Moi, j'ai demandé une opinion légale au bureau des conseils législatifs de l'Ontario. J'ai demandé au bureau : «Tiens l'amendement du gouvernement. Tiens l'entente que le gouvernement veut signer avec les municipalités. Est-ce que les droits linguistiques, tels qu'ils existent présentement pour les francophones, vont exister une fois que la Loi 108 passe ?» La décision est revenue. Elle était très claire. La lettre datée le 12 mai, de M. Beecroft, dit en sommaire que les droits des francophones ne sont pas protégés, et que toute cette question de cet amendement n'est pas claire et qu'on va se trouver dans la situation que le francophone doit démontrer au juge, qu'il était préjugé parce que son procès était fait en anglais, quelque chose qui est quasiment impossible de faire devant les cours.

Je vois ici M. Cousineau, qui est professeur de droit, qui comprend très bien ce que cette loi veut dire. On a montré ça au gouvernement. Le procureur général a dit : «Non. Le bureau des conseils législatifs connaît rien.» Le même monde qui écrit l'amendement pour le gouvernement dit que l'amendement du gouvernement n'est pas clair, qu'il ne protège pas les droits des francophones, le gouvernement refusait de l'accepter.

À ce point j'ai dit : «Okay, peut-être que le bureau des conseils législatifs a fait une erreur. On va demander une deuxième opinion.» On était à Genest Murray DesBrisay Lamek et on a demandé à M. Paul Rouleau de nous donner encore une opinion. J'ai donné l'amendement du gouvernement, tel que l'entente qui y aurait été signée avec les municipalités. M. Rouleau revient avec ceci :

«Pour les motifs qui suivent, nous sommes de l'avis que l'effet de la Loi 108 est de restreindre les droits statutaires des Franco-Ontariens(nes) à une poursuite bilingue, dans le cas des poursuites déléguées aux municipalités sous la Loi 108, lorsqu'ils choisissent un procès bilingue et que l'amendement proposé par le gouvernement à la Loi 108 n'aura pas l'effet de garantir le droit à une poursuite bilingue.» Très claire, cette opinion légale.

On donne ça au gouvernement, et le gouvernement dit, «Non, vous ne connaissez rien.» Toutes les personnes en droit qui ont une opinion différente de celle du procureur général, qui écrivent sur papier leur opinion, le procureur général n'accepte pas. Il dit, «Eux-autres ne savent pas.»

Je dis, «Okay. On va rechercher une autre opinion.» On a une opinion ici de Racicot, Maisonneuve, Labelle, Cooper de Timmins, signée par M. Michel Labelle, un autre avocat très connu dans la communauté francophone. Dans la dernière partie — parce que j'ai seulement cinq minutes — de la lettre écrite à moi et datée le 26 mai 1998, il écrit :

«Nous sommes d'avis que l'amendement tel que proposé risque sérieusement d'entraîner une érosion des droits des francophones à une audience en français devant les tribunaux municipaux. De fait, le tout reposera sur l'interprétation que donne le tribunal à une "audience équitable" et si le justiciable a subi un préjudice.»

C'est clair. Les trois avocats disent tous la même affaire, et le procureur général continue à dire, «Ah, non, nous autres, on connaît tout. Vous autres, vous ne connaissez rien. On va continuer dans le style de M. Harris de



fonder en avant.» En face de toute raison, le gouvernement va continuer. Moi, je dis que c'est très clair que c'est une érosion des droits.

Je veux souligner un point important ici, et j'aimerais signaler que M<sup>me</sup> Lalonde est ici, M. Cousineau et M. Gratton d'Opération constitution.

Comme vous le savez, monsieur le ministre délégué aux Affaires francophones, qui n'écoute pas comme la moitié du temps, eux autres sont en train de travailler très fort avec la communauté pour être capables d'avoir le monde dans cette province lire la question, «Est-ce que l'Ontario doit s'afficher comme une province officiellement bilingue?»

Moi, je pense que les actions de ce gouvernement nous disent très clairement qu'en Ontario, les francophones n'ont plus de choix. Je veux dire ici à l'Assemblée aujourd'hui publiquement, sur le record, que le Parti ND, sous le leadership de M. Howard Hampton, va supporter la proposition d'Opération constitution. Nous croyons que c'est à peu près le temps, étant donné les actions de ce gouvernement qui érodent les services des francophones, qu'on demande de mettre en avant une motion du gouvernement fédéral de déclarer l'Ontario comme une province officiellement bilingue. C'est la seule protection qu'on peut avoir.

*Interjection.*

**M. Bisson :** Écoute, le ministre. On va parler du ministre et des commentaires qu'il a faits un peu plus tard, mais je veux faire le point, et c'est intéressant, que jamais avant dans la province de l'Ontario, aucun gouvernement, soit libéral, conservateur ou NPD, n'aurait pensé pour une seconde à éroder les services aux francophones quand ça vient aux droits linguistiques tel qu'on voit aujourd'hui.

Quand on voit les actions de ce gouvernement éroder les services aux francophones, la fermeture de l'hôpital Montfort, la fermeture de garderies francophones, la fermeture de centres de santé francophones, le transfert des responsabilités aux municipalités sans aucune protection législative dans la loi, ça nous dit que ce gouvernement est préparé à éroder nos services en français. Moi, je pense que l'ouvrage que l'Opération constitution fait est très important. La communauté francophone a besoin de commencer d'appuyer d'une manière plus importante et plus forte l'ouvrage de M<sup>me</sup> Lalonde et autres et de commencer à mettre la pression et mettre l'attention sur le gouvernement provincial et les partis d'opposition de supporter une motion ici dans la Chambre qui dirait : «On demande au gouvernement fédéral qu'on change la constitution canadienne pour donner les garanties constitutionnelles aux francophones ici en Ontario.» Sans ça, je suis de plus en plus convaincu qu'avec un gouvernement conservateur tel qu'on a, nos droits vont être érodés dans une période de temps.

L'autre affaire — j'ai seulement quelques minutes — c'est qu'hier, le procureur général est venu dans l'Assemblée pour dire, «Vous autres, quand vous étiez au gouvernement, dans le gouvernement de Bob Rae, vous avez donné aux municipalités le droit de transférer les droits pour les offenses provinciales quand ça vient aux billets de stationnement», et vous avez dit que nous n'avons pas protégé les droits des francophones dans la loi.

C'est faux, et je veux corriger le record. J'ai ici un document daté le 9 juin 1998, écrit par le conseil législatif de l'Ontario, qui arrive justement avec les amendements que nous avons faits à la loi pour garantir les droits linguistiques aux francophones quand ça vient aux infractions provinciales aux municipalités et les billets de stationnement. Je lis:

“You have asked what provisions were made to preserve the right of francophones to trials in French when some municipality was given the right to take over the prosecution of parking offences within their borders. The trials continue to be trials conducted by the courts constituted under the Courts of Justice Act, which provides that French-speaking parties to a proceeding may require that it be conducted as a bilingual proceeding. The judge or justice of the peace, the clerk and the court reporters must be able to function bilingually in such proceedings. See subsection 125(2).

“When a prosecution under the Provincial Offences Act by the crown in right of Ontario is being conducted as a bilingual proceeding, the prosecutor assigned to the case must be a person who speaks English and French.”

It goes on in detail to prove that the NDP government, when it did find that it made an error, said, “We made a mistake,” and under the leadership of Marion Boyd, the then Attorney General, made the proper amendments to the Courts of Justice Act in order to guarantee that French language rights would be protected in the province of Ontario. It's something this government didn't have the guts to do, and something that this government is now doing I say goes far against what we did when we were in government.

**The Speaker:** Mr Harnick has moved third reading of Bill 108. Is it the pleasure of the House that the motion carry?

All those in favour, please say “aye.”

All those opposed, please say “nay.”

In my opinion, the ayes have it.

Call in the members; this will be a five-minute bell.

*The division bells rang from 1711 to 1716.*

**The Speaker:** Order. All those in favour, please rise one at a time and be recognized by the Clerk.

**Ayes**

Baird, John R.	Harnick, Charles	Ouellette, Jerry J.
Barrett, Toby	Jackson, Cameron	Palladini, Al
Boushy, Dave	Johns, Heien	Preston, Peter
Brown, Jim	Johnson, Bert	Rollins, E.J. Douglas
Danford, Harry	Johnson, David	Saunderson, William
DeFaria, Carl	Jordan, W. Leo	Spina, Joseph
Doyle, Ed	Kells, Morley	Sterling, Norman W
Fisher, Barbara	Leadston, Gary L.	Stewart, R. Gary
Ford, Douglas B.	Martiniuk, Gerry	Tascona, Joseph N
Fox, Gary	Maves, Bart	Tilson, David
Galt, Doug	McLean, Allan K.	Turnbull, David
Grimmett, Bill	Munro, Julia	Villeneuve, Noble
Guzzo, Garry J.	Murdoch, Bill	Wood, Bob
Hardeman, Ernie	O'Toole, John	Young, Terence H.

**The Speaker:** All those opposed, please rise one at a time and be recognized by the Clerk.

## Nays

Bartolucci, Rick	Duncan, Dwight	Patten, Richard
Bisson, Gilles	Gerretsen, John	Ramsay, David
Boyd, Marion	Grandmaître, Bernard	Ruprecht, Tony
Caplan, David	Gravelle, Michael	Sergio, Mario
Castrilli, Annamarie	Lalonde, Jean-Marc	Silipo, Tony
Churley, Marilyn	Lessard, Wayne	Wildman, Bud
Cleary, John C.	Martel, Shelley	
Crozier, Bruce	Morin, Gilles E.	

**Clerk of the House (Mr Claude L. DesRosiers):** The ayes are 42; the nays are 22.

**The Speaker:** I declare the motion carried.

Be it resolved that the bill do now pass and be entitled as in the motion.

NORTHERN SERVICES  
IMPROVEMENT ACT, 1998  
LOI DE 1998 SUR L'AMÉLIORATION  
DES SERVICES PUBLICS  
DANS LE NORD DE L'ONTARIO

Resuming the adjourned debate on the motion for second reading of Bill 12, An Act to provide choice and flexibility to Northern Residents in the establishment of service delivery mechanisms that recognize the unique circumstances of Northern Ontario and to allow increased efficiency and accountability in Area-wide Service Delivery / Projet de loi 12, Loi visant à offrir aux résidents du Nord plus de choix et de souplesse dans la mise en place de mécanismes de prestation des services qui tiennent compte de la situation unique du Nord de l'Ontario et à permettre l'accroissement de l'efficacité et de la responsabilité en ce qui concerne la prestation des services à l'échelle régionale.

**Mr Doug Galt (Northumberland):** It's more than politeness for me to say what a pleasure it is to be able to rise and speak on Bill 12, a bill that's very important to the people in northern Ontario. I'm sure the member for Algoma will really appreciate it when this bill goes through.

Bill 12 is An Act to provide choice and flexibility to Northern Residents in the establishment of service delivery mechanisms that recognize the unique circumstances of Northern Ontario and to allow increased efficiency and accountability in Area-wide Service Delivery. It's a long title for a very important bill, but I think it's important that it does contain all of that description.

The government of Ontario certainly has a significant responsibility to the residents of northern Ontario. I guess I see it through the eyes of someone in the south, having travelled there and having a daughter and son-in-law who live in the far north. But I see that it's important that it assist with the development of political and economic institutions. I see that the government has a responsibility to encourage sustainable development of the natural resources in northern Ontario, and we also, as a government, have a responsibility to ensure the protection of the northern environment.

There are many parts to this bill, but there are five that I think are particularly important. This act first and foremost would establish area services boards for northern Ontario, and that's really the basis and the most significant part of this particular bill.

It will streamline the delivery of services. Really, that's all about providing better service at lower cost and that's the bottom line of this government from day one. For the three years and one day since the election, it has been about providing better government at lower cost and doing a better job. Certainly there's no question that that's been carried out.

The third aspect of this bill that I see is that it's creating partnerships, partnerships among communities in northern Ontario and partnerships with the province of Ontario, and it's also recognizing partnerships in unorganized areas. A lot of people are unaware that many of the townships in the north are unorganized in terms of not having an official municipal government that is directly responsible for them. This particular bill recognizes those unorganized areas.

The bill also provides tremendous flexibility to accommodate some of the local conditions in the north. It varies tremendously, from some of the large urban centres to the very sparsely populated areas. I guess you'd call them rural areas; they're not as we think of rural here in southern Ontario.

The fifth point relates to the fact that these area services boards are optional. They're not required. They're only going into areas where wanted. In other words, the people in those respective areas would request that there be an area services board established.

At this point, I think it's a good idea to look at some of the quotes from when this was first rolled out. It was first announced on December 15; it died on the order paper in December. Then it was announced again; the first reading was April 30, 1998. When it first came out and the minister, the Honourable Chris Hodgson, announced it back on December 15, there were some interesting quotes from Jay Aspin, the president of the Federation of Northern Ontario Municipalities.

He said, "The government recognizes that the needs of the north are different." There's no question, and there is the president of the association complimenting our government. Second, he said, "We were happy to work with the government during the extensive consultations that have preceded the introduction of this bill." That's so consistent with the operation of this government. We've consulted extensively before many bills have been brought into this House. We've had more consultation after second reading than any previous government. We've had more hours of debate in the House on average on any given bill, if you average them out. The consultation of this government has been absolutely exemplary, and I know that the two parties of the previous governments are upset that they didn't get that kind of recognition for their consultation.

The third quote from Jay Aspin, the president of the Federation of Northern Ontario Municipalities: "We look



forward to working with the government towards a successful conclusion." It's all about consensus-building, and that's what this government has a reputation for, working with area municipalities throughout Ontario, developing consensus and working together.

At the same time the president of the Northwestern Ontario Municipal Association, Neil MacOdrum, had some excellent quotes as well: "Introduction of this legislation means our members can get down to some of the serious work that must be done to finalize their plans to implement local government realignments." Looking forward to getting on with life and doing things.

He went on to say, "The government has been open to discussion," and I think that should be underlined because the official opposition party and the third party here have indicated that there has been some limitation to some of the discussions. Here is the president of the Northwestern Ontario Municipal Association complimenting this government on being so open to discussion, and he's absolutely correct.

He goes on to say in his third quote, "This legislation reflects various concerns that NOMA has expressed." It's not only that we listen, and that listening is important, but we respond and act on the direction. Here is an example, this president of NOMA acknowledging that we not only listen but respond to those needs and carry them out.

The challenges of the north — I say this being from the south and having travelled in the north — are certainly very different from those of southern Ontario.

*Interjections.*

**The Acting Speaker (Mr Gilles E. Morin):** Order.

**Mr Galt:** As I was saying, even members from the south going to the north recognize there are some challenges there. There are things like physical barriers, like the temperature. People from other countries look to Canada and think it really gets cold here, but where it really gets cold is in northern Ontario. These are some of the barriers that they have to face and deal with — large quantities of snow. Even in eastern Ontario, we had the big ice storm, but those kinds of physical barriers are even more so in northern Ontario, and we in the south recognize that.

We even recognize problems on the highway such as moose. We don't have too many of those in southern Ontario, but in northern Ontario that can be difficult when you're driving the highways.

**Mr Gilles Bisson (Cochrane South):** The only moose you have seen is called Moosehead in a bar.

**The Acting Speaker:** Order. The member for Cochrane South, please.

*Interjections.*

**The Acting Speaker:** The member for Cochrane South, you can depart.

Member for Northumberland.

**Mr Galt:** I mentioned highways. There has never been a government that spent more money on highways in northern Ontario than the present government here in Ontario for the last three years.

**Ms Shelley Martel (Sudbury East):** Check out the budget.

**The Acting Speaker:** Order, the member for Sudbury East.

**Mr Galt:** Thank you, Mr Speaker. I don't think she was able to hear me as I was speaking, because she was talking so much. I appreciate your getting order in the House.

The distance in the north is exceptional. We recognize the isolation and the difficulties, and this particular bill is looking at coordination of some of those services. I think the members from the north would really appreciate that. I'll refer to it in a minute, but it recognizes a new technology that's there that will help to bridge that gap.

We also recognize the diversity of the population in the north and the special needs because of this. We also recognize the tremendous resources in the north, and there is just no question that those resources are important to the economics of this important —

*Interjection.*

**The Acting Speaker:** The member for Sudbury, please.

**Mr Galt:** I know that some of those in the north are making fun of this bill, but it's so helpful for them that I really don't understand why they would want to make so much fun of the bill.

I have had many opportunities to travel on my own in the north, but also on committee and as parliamentary assistant for environment, as well as on some of the budget swings and speaking on the budget.

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I've been in places like Thunder Bay, for example. I've been there umpteen times. It's a city of 158,000 people, one of the largest urban centres in the north. I was very intrigued when I was there to be out in the harbour and see some of the environmental issues and some of the problems that are there, and the cleanup this government is actively involved with, making sure the environment is protected in the north, talking to some of the pulp and paper industries and the changes they're making in recovery of some of the pulp and how the shorter period is nine months for the recovery of that pulp. It used to go out into the river and reduce the oxygen level of the river and fish would die. Now they're able to recover that pulp and in something like nine months they're able to recoup the cost of the equipment that they have to put in for that recovery.

There are Kenora and Dryden and seeing some of the unique environmental problems that are faced in communities such as that; Sault Ste Marie; also into Sudbury. I well remember a committee that met in Sudbury — I believe it was on Bill 20 — and ended up being fogged in. To be at the committee hearings in Ottawa the next morning, we went by bus, unable to fly out because of some of the weather conditions that were present at that time.

It's a city of some 172,000 people, a very important city in Ontario. It was particularly interesting to see some of the mines and some of the problems with mine tailings and trying to contain the acid flowing from those particu-

lar areas. It is tremendous what the Ministry of the Environment has come through with Countdown Acid Rain and the change in that environment around Sudbury.

The people in the north are really great, in spite of some of the catcalls from the opposition here this afternoon. I really enjoyed areas like New Liskeard, the clay belt and the ability to produce. I see the member over here for New Liskeard shaking his head in agreement. It's certainly a very lush area. Should we move into this so-called greenhouse effect, I'm sure the New Liskeard area and the clay flats will be the breadbasket at that time. I certainly recognize the late planting that's required there because of late frost and how early frost can come in the fall.

We've had a lot of complaints about the length of bills. I would think they'd be very happy with this one. This one is about 25 pages. We've had some too short and, they tell us, some too long, so 25 pages I think would be just about right.

We have some interesting sections in here.

**Interjection:** Goldilocks would like it.

**Mr Galt:** This is Goldilocks, right in the middle. It's not too hard and not too soft.

Subsection 37(1):

"One or more municipalities or local service boards or the residents of unorganized territory may make a proposal to establish an area services board for the consolidation of service delivery by submitting to the minister a report containing...."

What's interesting here is the unorganized territories are being recognized and being part of the north. That's certainly a very important part in this bill, to acknowledge and recognize those territories.

In section 38, referring to powers of the minister:

"Upon receiving a proposal that meets the requirements of section 37, the minister may by order,

"(a) establish a board...."

It doesn't say he has to and it doesn't say every area has to have an area services board, but it's pointing out the flexibility of this government to understand and to give and take as is necessary in important areas like northern Ontario.

This is a very modern part of the bill, recognizing having meetings and the distance problems in the north and some of the storm conditions:

"A meeting of the board may be conducted by teleconference, video-conference or other means of distance communication."

This is really taking particular notice of the north.

The core services of the area services board would include things like child care, assistance under the Ontario Works Act, 1997, a very important piece of legislation that this government brought in, public health services under the Health Protection and Promotion Act, social housing, land ambulance service under the Ambulance Act, and homes for the aged under the Homes for the Aged and Rest Homes Act.

There can also be additional services like services promoting economic development, airport services, land use

planning under the Planning Act, administrative functions and prosecutions under part X of the Provincial Offences Act, waste management, police services, emergency preparedness and response under the Emergency Plans Act, roads and bridges, and any other service designated by the minister. It's a very complete act indeed.

This bill is unique in recognizing flexibility, and it's — as I mention that, there are some unique approaches by other organizations, such as the LCBO recognizing agency stores in the north. These are freestanding mini-liquor stores, and they're incorporated right into general stores or pharmacies, operated by private owners. This is recognizing the north in unique situations. The LCBO is one example of recognizing the north, and certainly that's what this bill is doing.

**Mr Bud Wildman (Algoma):** Purely for medicinal purposes.

**Mr Galt:** Of course. As the member for Algoma says, it's only used for medicinal purposes in the north. I can understand that, and that's an important part. This bill has that kind of flexibility. You can use those services as necessary and as is seen fit.

Winding up on this bill, I'd like to make a reference to Robert Service. Robert Service is a very famous author who wrote an awful lot about the north, and in particular he had that great poem *The Cremation of Sam McGee*.

**Mr Wildman:** That was in the Yukon.

**Mr Galt:** That was up in the Yukon, but it's still the north. North is north. You can't argue where the north is.

Robert Service said in his poem *The Cremation of Sam McGee* — granted, in the Yukon — "There are strange things done in the midnight sun by the men who toil for gold."

This is making reference to unique approaches that are required, and that's what's happening in this bill: having flexibility. It's also making reference to gold, one of the resources in the north, which are very important to be protected. This government is ensuring that kind of protection occurs for our natural resources in the north. We have so many, and it's wonderful that northern Ontario is all part and parcel of this marvellous province of some 11 million people. A third of the people in Canada are right here in Ontario.

In closing, to summarize the very important areas of this particular bill, it's an act that would establish area services boards in northern Ontario, recognize the unorganized territory, recognize the kind of flexibility that's needed in the north.

Second, it's going to streamline the delivery of services in the north, providing better services at better cost, which is what this government is about. It's about a smaller government doing a better job at less expense. We've been proving that for some time, during the past three years and one day since the election of June 8, 1995.

This bill is about creating partnerships, partnerships between communities in the north, particularly in some of these unorganized communities, and a partnership with the province. We have a real record in the last three years of developing these kinds of partnerships and working



together. It's a hallmark of this government, and it's going to go down in history as a very special hallmark of this government.

As we mentioned earlier, it provides flexibility. There's no place in this province where it's more important to provide flexibility than in situations in the north, with the tremendous variations in the north, various districts and local distinctions that have to be recognized, from large cities like Sudbury and Thunder Bay to the very remote areas in the north.

Also, it's important to recognize that area services boards are optional. They do not have to form them. They'll only be formed where wanted and where requested. We are not a government to go out and force our will on to the people. We're providing the opportunity that if they want to have area services boards they can. All they have to do is request them. For those reasons, I'm enthusiastically supporting this bill.

1740

**The Acting Speaker:** Questions or comments?

**Mr Rick Bartolucci (Sudbury):** The member for Northumberland obviously does what his government does best: not understand the north. For 20 minutes the people of northern Ontario have had to listen to someone who, when he left the notes and stopped reading what the bill was all about, was absolutely disgusting in his approach to northern Ontario. I tell you, the more that member talks and the more that government talks, the stronger we in opposition go up in the polls in northern Ontario. It's no wonder that there is no representation in northern Ontario on the government side of the House.

**Interjection:** There still isn't.

**Mr Bartolucci:** You're right, there still isn't. Every time somebody like the member who just finished speaking gets up and says what his vision of northern Ontario is and what it should be, the people of northern Ontario know why they feel that they are the forgotten people in Ontario.

This government allowed the bill to die the first time, before Christmas. This government brought the bill back. They delayed and delayed before bringing it to the House for debate. Now, because we in opposition want this bill to go to committee, they're trying to give it the soft sell that "We've had the consultation." You've had no consultation with people in northern Ontario, no meaningful consultation at all. Let me tell you, when the member for Northumberland gets up and says, "North is north," then you know and I know that he knows very little about northern Ontario.

I'll offer this government a challenge. Within a day or so we're going to vote on this legislation. If you are a government that cares about the north, send this to committee to travel across northern Ontario.

**Mr Wildman:** I won't be quite as harsh as my friend from Sudbury. I want to commend the member for Northumberland for his attempt to speak about northern Ontario, and I guess it indicates that he has some passing interest in the north. But I would encourage him, before he speaks on a matter like this in the future, to do a little

more research, maybe travel a little more. He says he has travelled in the north. As a matter of fact, I think it should be a requirement of all members of this assembly, particularly those from south of Muskoka, to drive across northern Ontario at least once during their term, because they might get some idea about the size of the north and the problems and the challenges faced with the great distances and small communities across much of northern Ontario.

The member quoted from Robert Service. I'm a great fan of Robert Service. I very much appreciate the poem *The Cremation of Sam McGee*. It deals with people panning for gold, and people in northern Ontario do pan for gold, but *The Cremation of Sam McGee* is a great Canadian classic about the Yukon. When we pointed out that this is about the Yukon, not northern Ontario, the member's response was, "Well, north is north." I suppose north is north — that's not a very profound statement — but Whitehorse is not Thunder Bay or Sudbury.

**The Acting Speaker:** The member's time has expired.

**Mr Steve Gilchrist (Scarborough East):** We're not allowed to comment on the points made by members opposite or I would certainly rise and suggest that what's really disgusting, if anything, is the arrogance displayed by certain members and the insufferable nature of the comments that come forward. They would have you believe that unless you live in northern Ontario you can't understand it at all. At the same time, I guess it would follow that they can't understand the challenges that southern Ontario faces, or are they that smart that they can handle that?

The reality, as the member correctly pointed out, is that all the government members have had tremendous opportunities to travel through the north, even those who don't come from those parts.

I remember, as the Chair of the resources development committee, having a choice of going out to dinner or taking the committee — the government members, because the opposition members decided that food was more important — and going and touring a lumber mill, and going and touring pulp and paper plants, and visiting reforestry projects and visiting mines, because it's obviously important to us that we understand the extent of industry in the north, that we understand the challenges that business and the people who work in those businesses face.

The legacy they inherited in the previous 10 years was even more devastating than what we suffered here in the south. Still 15% to 20% unemployment in the north is the legacy of 10 lost years under the NDP and the Liberals. If they were so concerned about the north, if they represented their constituents so well, explain to us why there is three times the unemployment rate in the north, why they failed to direct resources, why they failed to make sure that the people in the north had the same chance.

**Mr Bartolucci:** Because you guys are there. For the last three years, the unemployment rate went up.

**The Acting Speaker:** The member for Sudbury.

**Mr Gilchrist:** We recognize that all Ontarians deserve a fair shake. All Ontarians deserve to see the true wealth and resources of this province.

*Interjection.*

**The Acting Speaker:** The member for Sudbury, you have a voice that carries quite loud. I would ask you to refrain, please. The member for Timiskaming.

**Mr David Ramsay (Timiskaming):** I'm just wondering what horrible thing happened to this member as a child, that's all.

**Mr Gilchrist:** Mr Speaker, it was having to visit the House of Commons under the Trudeau government. I was scarred —

**The Acting Speaker:** Thank you. This is not a point of order. We will continue with the debate. Questions and comments?

**Mr Michael Gravelle (Port Arthur):** I wanted to have the opportunity to respond to the member for Northumberland for his remarks, as he would put it, being from the remote community of Thunder Bay, which I think really does show the member's understanding of exactly where Thunder Bay is, which is of course on the tip of Lake Superior. That was a term that you used, member, so I wanted to do that.

I think it's important, while we have the opportunity, to explain what this bill is really all about. In essence this is simply another one of the government's downloading bills. There's no question about it. The government simply decides to download responsibilities in a variety of areas to municipalities, discovers that the only way it can be managed ultimately is to have it done in a regional context and forces it upon municipalities.

The member talked earlier about having a choice. There's no real choice here. Ultimately it's a question of having the ability to go ahead and have an area service board or be forced into pulling together a district social services administration board, a DSSAB, under Bill 152, so we have that kind of legislation here.

The fact is we've had an opportunity to debate this, thank God. There has been no real consultation. I spoke to the past president of the Thunder Bay District Municipal League about this. After December, when it was brought forward, and not brought forward beyond being introduced in December, in the months of January through April there was almost no consultation at all.

If the member for Northumberland wants to quote Neil MacOdrum, the past president of the Northwestern Ontario Municipal Association, he should at least recognize that he's the past president. The fact is that what Mr MacOdrum was talking about was that if we're going to be put in this position, if we're going to be forced to do so, we really want to be able to actually get this bill in shape. The fact is, this bill is very flawed. We have put together a number of suggestions that you make some amendments and we've asked you simply to recognize that it's a flawed bill and to let it go out for public hearings and into committee. If you can do that, perhaps we can talk, but that's the least you should do for us.

**The Acting Speaker:** The member for Northumberland.

**Mr Galt:** I think the response from the member for Port Arthur really points out he wasn't listening. It's just as simple as that. He's trying to say that I said Thunder Bay was remote. No, I was making a comparison: Thunder Bay and Sudbury are larger centres in the north compared to the other remote sparsely populated areas. You totally missed the comment.

You also missed the fact about consultation in the north, extensive consultation. The parliamentary assistant for northern development spent three months travelling the north.

I think you should apologize to people like Jay Aspin, president of the Federation of Northern Ontario Municipalities, who said there was extensive consultation. Neil MacOdrum, president of the Northwestern Ontario Municipal Association, similarly says that there's extensive consultation in the north.

*Interjection.*

**Mr Galt:** You owe an apology to both of them, as does the member for Sudbury.

*Interjection.*

**The Acting Speaker:** The member for Sudbury.

**Mr Galt:** You've insulted both of these fine, upright citizens, serving their communities, serving northern Ontario, serving their respective associations. I expect if they were watching or any of their friends were watching when you were up speaking —

*Interjections.*

**The Acting Speaker:** Please.

**Mr Galt:** It's disturbing for the member for Sudbury to hear the truth and to be exposed on his comments on these two respective, upright citizens.

I want to send my sincere thank you to my good friend and seat-mate here, the member for Scarborough East, for his very thoughtful comments. He certainly recognized the content of my presentation. It was very insightful and very thoughtful indeed.

I do appreciate that the comments of the member for Algoma were very gentle this time, a little out of context from his usual response but he also must have been recognizing the content of my presentation.

1750

**The Acting Speaker:** The time has expired. Further debate?

**Mr Michael A. Brown (Algoma-Manitoulin):** I almost feel like I'm on a different planet here today.

**Hon Noble Villeneuve (Minister of Agriculture, Food and Rural Affairs, minister responsible for francophone affairs):** Well, you are.

**Mr Michael Brown:** Maybe I am. I don't know. The rarefied air in here sometimes does that.

I want to speak a little bit about Bill 12. This is the bill, which is virtually identical, not quite, to a bill that was introduced, if my memory serves, in the second week of December 1997 and promptly died in the middle of December or whenever we left here, because the government thought it had to go around and think about it some



more and have consultations and figure out how to do it better than this. I guess they either didn't have the consultations or couldn't decide how to do it any better.

People should understand the name of the act. I'm always entertained by names of government acts. This is An Act to provide choice and flexibility to Northern Residents in the establishment of service delivery mechanisms that recognize the unique circumstances of Northern Ontario and to allow increased efficiency and accountability in Area-wide Service Delivery. Wow, does that ever sound good. Do you know what? It's quite entertaining.

I want the members over there to understand that northerners were told they were going to have a choice. The name of the bill says "choice." It says "choice." Well, what was the choice?

*Interjections.*

**The Acting Speaker:** The member for Brampton North, you are too loud.

**Mr Michael Brown:** The choice was you were having these services downloaded; you were having to pay for services you did not pay for before and now you were having them downloaded on to your property tax, and to be fair to the government, you're getting an exchange. You're not going to have to pay all the residential property tax. You're supposedly going to pay half the residential property tax.

I was down at the post office in Kagawong, talking to the reeve last week. Do you know what Aussie Hunt said to me? He said: "Gee, I can't figure this out. It's 70%. It's not 50%. People in my township will pay 70% of the education cost, not 50%. How does this work?" I said, "Well, it must be the new math, the Harris math, because that's just not what they told us." Reality is often different from the spin and the perception and the marketing that comes from across, over on the other side.

**Choice:** You talked about choice. We were going to set up service boards and you were going to have a choice. I think maybe today you should go and talk to the people in the district of Manitoulin. The people in the district of Manitoulin were told they had a choice; if there was a double majority, if everyone agreed, they had a choice, they would have their service board. The district of Sudbury would have one, and I believe the region of Sudbury has one. But those were decided.

The people in the district of Manitoulin were led to believe that each of the northern districts would have a service board. They are a northern district. They decided on their own after doing very careful studies of what the cost impact would be on them and how they would deliver services, what that would cost versus having it done in some other manner. They decided they could handle it by themselves, on their own, for less money and provide better services.

What are we told on Monday of this week? "You're the only district in the entire north that isn't getting your

choice," the choice that the government promised. They were promised, if the people in Sudbury and district agreed. That was fine with them. There was a double majority, as there should be. But this government decided, for whatever reason, that local people didn't know what they were talking about, that local people couldn't provide local services, that local people didn't care about their own communities. I've got news for you. I would trust the local people to make their own mistakes before I'd trust you guys to do the right thing.

You sit over there in smugness. I've heard these speeches coming from the government side. It sounds like we're a colony. I think that may be how we're being treated these days. We didn't want service boards. Nobody wanted services boards. They only wanted services boards because they had to find a way to deliver your downloaded costs.

*Interjection.*

**Mr Michael Brown:** Someone says they volunteered. No, I didn't see anybody running around in 1995 saying: "Give us these services. We want to run them." You guys said this.

But on other matters you've decided, strangely, other things. You've decided that in the public school board, we amalgamate with Sudbury. However, part of the constituency for the separate board amalgamates with Sault Ste Marie. We're having very interesting times in our communities trying to sort out school governance at this time, as we are all across northern Ontario among the four boards that are often trying to provide service in some areas.

This is incredible. This is a mess. At the moment, you're buying your way out by throwing a bunch more money into various programs just to make sure that the property taxes don't go right through the ceiling. But when the so-called transition grants evaporate, I tell you, you'd better hold on to your wallet. My constituents know what this is about. It's about big government, autocratic government, shoving it down their throats.

I don't see any willingness in my constituency to envelop this new, efficient, streamlined model. They're doing it because they have to. It's kind of the best of a bunch of bad alternatives, but it isn't what they wanted. It would have been far better to be paying the full school tax like they did before, if you do the math. That would have been better for them. Let the guy from Northumberland run all these other things. They were quite happy with that. But this bill and what it provides to our people and the services that they will get is a distant, autocratic government that does not echo the concerns of the local people in Espanola or Killarney.

**The Acting Speaker:** It is now 6 o'clock. This House is adjourned until 6:30.

*The House adjourned at 1800.*

*Evening meeting reported in volume B.*

**LEGISLATIVE ASSEMBLY OF ONTARIO**  
**ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO**

Lieutenant Governor / Lieutenant-gouverneur: Hon / L'hon Hilary M. Weston

Speaker / Président: Hon / L'hon Chris Stockwell

Clerk / Greffier: Claude L. DesRosiers

Clerk Assistant / Greffière adjointe: Deborah Deller

Clerks at the Table / Greffiers parlementaires: Todd Decker, Lisa Freedman

Sergeant-at-Arms / Sergent d'armes: Dennis Clark

Constituency Circonscription	Member/Party Député(e) / Parti	Constituency Circonscription	Member/Party Député(e) / Parti
Algoma	Wildman, Bud (ND)	Etobicoke West / -Ouest	<b>Stockwell, Hon / L'hon Chris</b> (PC)
Algoma-Manitoulin	Brown, Michael A. (L)		Speaker / Président
Beaches-Woodbine	Lankin, Frances (ND)	Fort William	McLeod, Lyn (L)
Brampton North / -Nord	Spina, Joseph (PC)	Fort York	Marchese, Rosario (ND)
Brampton South / -Sud	<b>Clement, Hon / L'hon Tony</b> (PC) Minister of Transportation / ministre des Transports	Frontenac-Addington	Vankoughnet, Bill (PC)
	Preston, Peter L. (PC)	Grey-Owen Sound	Murdoch, Bill (PC)
Brant-Haldimand	Johnson, Ron (PC)	Guelph	Elliott, Brenda (PC)
Brantford	Fisher, Barbara (PC)	Halton Centre / -Centre	Young, Terence H. (PC)
Bruce	<b>Jackson, Hon / L'hon Cameron</b> (PC) Minister without Portfolio (Seniors Issues) / ministre sans portefeuille (Affaires des personnes âgées)	Halton North / -Nord	Chudleigh, Ted (PC)
Burlington South / -Sud	Martiniuk, Gerry (PC)	Hamilton Centre / -Centre	Christopherson, David (ND)
	<b>Sterling, Hon / L'hon Norman W.</b> (PC) Minister of the Environment, government House leader / ministre de l'Environnement, leader parlementaire du gouvernement	Hamilton East / -Est	Agostino, Dominic (L)
Cambridge		Hamilton Mountain	Petit, Trevor (PC)
Carleton		Hamilton West / -Ouest	Ross, Lillian (PC)
		Hastings-Peterborough	Danford, Harry (PC)
		High Park-Swansea	Shea, Derwyn (PC)
		Huron	Johns, Helen (PC)
		Kenora	Miclash, Frank (L)
		Kingston and The Islands / Kingston et Les Îles	Gerretsen, John (L)
Carleton East / -Est	Morin, Gilles E. (L)	Kitchener	Wettlaufer, Wayne (PC)
Chatham-Kent	Carroll, Jack (PC)	Kitchener-Wilmot	Leadston, Gary L. (PC)
Cochrane North / -Nord	Wood, Len (ND)	Lake Nipigon / Lac-Nipigon	Pouliot, Gilles (ND)
Cochrane South / -Sud	Bisson, Gilles (ND)	Lambton	Beaubien, Marcel (PC)
Cornwall	Cleary, John C. (L)	Lanark-Renfrew	Jordan, W. Leo (PC)
Don Mills	<b>Johnson, Hon / L'hon David</b> (PC) Minister of Education and Training / ministre de l'Éducation et de la Formation	Lawrence	Cordiano, Joseph (L)
		Leeds-Grenville	Runciman, Robert W. (PC)
		Lincoln	Sheehan, Frank (PC)
Dovercourt	Silipo, Tony (ND)	London Centre / -Centre	Boyd, Marion (ND)
Downsview	Castrilli, Annamarie (L)	London North / -Nord	<b>Cunningham, Hon / L'hon Dianne</b> (PC) Minister of Intergovernmental Affairs, minister responsible for women's issues / ministre des Affaires intergouvernementales, ministre délégue à la Condition féminine
Dufferin-Peel	Tilson, David (PC)		Wood, Bob (PC)
Durham Centre / -Centre	<b>Flaherty, Hon / L'hon Jim</b> (PC) Minister of Labour, Solicitor General and Minister of Correctional Services / ministre du Travail, solliciteur général et ministre des Services correctionnels	London South / -Sud	<b>Tsubouchi, Hon / L'hon David H.</b> (PC) Minister of Consumer and Commercial Relations / ministre de la Consommation et du Commerce
	O'Toole, John R. (PC)	Markham	Smith, Bruce (PC)
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		Mississauga North / -Nord	<b>Marland, Hon / L'hon Margaret</b> (PC) Minister without Portfolio (Children's Issues) / ministre sans portefeuille (enfance)
Durham-York	Munro, Julia (PC)		
Eglinton	Saunderson, William (PC)		
Elgin	North, Peter (Ind)		
Essex-Kent	Hoy, Pat (L)		
Essex South / -Sud	Crozier, Bruce (L)		
Etobicoke-Humber	Ford, Douglas B. (PC)		
Etobicoke-Lakeshore	Kells, Morley (PC)		
Etobicoke-Rexdale	Hastings, John (PC)		



Constituency Circonscription	Member/Party Député(e) / Parti	Constituency Circonscription	Member/Party Député(e) / Parti
Mississauga West / -Ouest	<b>Sampson, Hon / L'hon Rob</b> (PC) Minister without Portfolio (Privatization) / ministre sans portefeuille (privatisation)	St Catharines-Brock St George-St David	Fröese, Tom (PC) <b>Leach, Hon / L'hon Al</b> (PC) Minister of Municipal Affairs and Housing / ministre des Affaires municipales et du Logement
Muskoka-Georgian Bay / Muskoka-Baie-Georgienne	Grimmett, Bill (PC)	Sarnia	Boushy, Dave (PC)
Nepean	Baird, John R. (PC)	Sault Ste Marie / Sault-Sainte-Marie	Martin, Tony (ND)
Niagara Falls	Maves, Bart (PC)	Scarborough-Agincourt	Phillips, Gerry (L)
Niagara South / -Sud	Hudak, Tim (PC)	Scarborough Centre / -Centre	Newman, Dan (PC)
Nipissing	<b>Harris, Hon / L'hon Michael D.</b> (PC) Premier and President of the Executive Council / premier ministre et président du Conseil exécutif	Scarborough East / -Est	Gilchrist, Steve (PC)
Norfolk	Barrett, Toby (PC)	Scarborough-Ellesmere	Mushinski, Marilyn (PC)
Northumberland	Galt, Doug (PC)	Scarborough North / -Nord	Curling, Alvin (L)
Oakville South / -Sud	Carr, Gary (PC)	Scarborough West / -Ouest	Brown, Jim (PC)
Oakwood	Colle, Mike (L)	Simcoe Centre / -Centre	Tascona, Joseph N. (PC)
Oriole	Caplan, David (L)	Simcoe East / -Est	McLean, Allan K. (PC)
Oshawa	Ouellette, Jerry J. (PC)	Simcoe West / -Ouest	<b>Wilson, Hon / L'hon Jim</b> (PC) Minister of Energy, Science and Technology / ministre de l'Énergie, des Sciences et de la Technologie
Ottawa Centre / -Centre	Patten, Richard (L)	Sudbury	Bartolucci, Rick (L)
Ottawa East / -Est	Grandmaître, Bernard (L)	Sudbury East / -Est	Martel, Shelley (ND)
Ottawa-Rideau	Guzzo, Garry J. (PC)	Timiskaming	Ramsay, David (L)
Ottawa South / -Sud	McGuinity, Dalton (L) Leader of the Opposition / chef de l'opposition	Victoria-Haliburton	<b>Hodgson, Hon / L'hon Chris</b> (PC) Minister of Northern Development and Mines, Chair of the Management Board of Cabinet / ministre du Développement du Nord et des Mines, président du Conseil de gestion
Ottawa West / -Ouest	Cullen, Alex (L)	Waterloo North / -Nord	<b>Witmer, Hon / L'hon Elizabeth</b> (PC) Minister of Health / ministre de la Santé
Oxford	Hardeman, Ernie (PC)	Welland-Thorold	Kormos, Peter (ND)
Parkdale	Ruprecht, Tony (L)	Wellington	Arnott, Ted (PC)
Parry Sound	<b>Eves, Hon / L'hon Ernie L.</b> (PC) Deputy Premier, Minister of Finance / vice-premier ministre, ministre des Finances	Wentworth East / -Est	Doyle, Ed (PC)
Perth	Johnson, Bert (PC)	Wentworth North / -Nord	Skarica, Toni (PC)
Peterborough	Stewart, R. Gary (PC)	Willowdale	<b>Harnick, Hon / L'hon Charles</b> (PC) Attorney General, minister responsible for native affairs / procureur général, ministre délégué aux Affaires autochtones
Port Arthur	Gravelle, Michael (L)	Wilson Heights	Kwinter, Monte (L)
Prescott and Russell / Prescott et Russell	Lalonde, Jean-Marc (L)	Windsor-Riverside	Lessard, Wayne (ND)
Prince Edward-Lennox- South Hastings / Prince Edward-Lennox- Hastings-Sud	Fox, Gary (PC)	Windsor-Sandwich	Pupatello, Sandra (L)
Quinte	Rollins, E.J. Douglas (PC)	Windsor-Walkerville	Duncan, Dwight (L)
Rainy River	Hampton, Howard (ND) Leader of the New Democratic Party / chef du Nouveau Parti démocratique	York Centre / -Centre	<b>Palladini, Hon / L'hon Al</b> (PC) Minister of Economic Development, Trade and Tourism / ministre du Développement économique, du Commerce et du Tourisme
Renfrew North / -Nord	Conway, Sean G. (L)	York East / -Est	Parker, John L. (PC)
Riverdale	Churley, Marilyn (ND)	York Mills	<b>Turnbull, Hon / L'hon David</b> (PC) Minister without Portfolio / ministre sans portefeuille
S-D-G & East Grenville / S-D-G et Grenville-Est	<b>Villeneuve, Hon / L'hon Noble</b> (PC) Minister of Agriculture, Food and Rural Affairs, minister responsible for francophone affairs / ministre de l'Agriculture, de l'Alimentation et des Affaires rurales, ministre délégué aux Affaires francophones	York-Mackenzie	Klees, Frank (PC)
St Andrew-St Patrick	<b>Bassett, Hon / L'hon Isabel</b> (PC) Minister of Citizenship, Culture and Recreation / ministre des Affaires civiques, de la Culture et des Loisirs	Yorkview	Sergio, Mario (L)
St Catharines	Bradley, James J. (L)	York South / -Sud	Kennedy, Gerard (L)
		Nickel Belt	Vacant
A list arranged by members' surnames and including all responsibilities of each member appears in the first and last issues of each session and on the first Monday of each month.		Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.	

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Deuxième session, 36<sup>e</sup> législature

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of Debates  
(Hansard)**

**Journal  
des débats  
(Hansard)**

**Tuesday 9 June 1998**

**Mardi 9 juin 1998**



**Speaker**  
Honourable Chris Stockwell

**Président**  
L'honorable Chris Stockwell

**Clerk**  
Claude L. DesRosiers

**Greffier**  
Claude L. DesRosiers

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# LEGISLATIVE ASSEMBLY OF ONTARIO

Tuesday 9 June 1998

# ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mardi 9 juin 1998

*The House met at 1830.*

## ORDERS OF THE DAY

### RED TAPE REDUCTION ACT, 1998

### LOI DE 1998 VISANT À RÉDUIRE LES FORMALITÉS ADMINISTRATIVES

Resuming the adjourned debate on the motion for second reading of Bill 25, An Act to reduce red tape by amending or repealing certain Acts and by enacting two new Acts / *Projet de loi 25, Loi visant à réduire les formalités administratives en modifiant ou abrogeant certaines lois et en édictant deux nouvelles lois.*

**The Acting Speaker (Mr Bert Johnson):** Further debate? The Chair recognizes the member for Scarborough West.

**Mr Wayne Lessard (Windsor-Riverside):** On a point of order, Speaker: I don't believe we have a quorum.

**The Acting Speaker:** Would you please check if there's a quorum.

**Acting Clerk at the Table (Ms Donna Bryce):** Mr Speaker, a quorum is not present.

*The Acting Speaker ordered the bells rung.*

**Acting Clerk at the Table:** Mr Speaker, a quorum is now present.

**The Acting Speaker:** The Chair recognizes the member for Scarborough West.

**Mr Jim Brown (Scarborough West):** Today I'm pleased to address the House and speak in favour of Bill 25, an act to reduce red tape. I'd also like to recognize the hard work of the members of the Red Tape Commission. As a small business person myself, I know what unnecessary red tape does to business. I know at first hand how it takes away incentive, inhibits development and kills the entrepreneurial spirit. As a red tape commissioner, I know how hard my colleagues work at cutting regulations and red tape.

Running your own business is hard enough; at times it seems like everyone's against you: the competition, the suppliers, even your clients. The last enemy you need is government regulators telling you how to conduct your affairs. You certainly don't have time to waste filling out unnecessary paperwork for some bureaucrat who could care less about the success of your business.

The government should be the best friends of small business people. These entrepreneurs are the backbone of our economy. They produce 80% of all new jobs, and the unprecedented job growth we've experienced in the last three years is due in no small part to this government's efforts to untie the hands of the private sector, to be best friends with the risk-takers.

The problem is, in the real world, most people have a profit motive. Their job security is tied to the bottom line. However, in the artificial world of government bureaucracy, red tape is the product. Bureaucrats build a fortress of regulations around themselves. Their job security depends entirely on their ability to produce new regulations, new paperwork, which they in turn oversee. It's like making a mess and paying yourself to clean it up.

This province has 45,000 regulations and, if we're not careful, they'll continue to grow. These regulations are costing Ontarians billions of dollars annually. Red tape kills jobs by discouraging outside investment in Ontario. Red tape makes it more difficult and expensive for job-creating businesses to start up.

**Mr John Gerretsen (Kingston and The Islands):** On a point of order, Mr Speaker: I know what the member has to say is extremely important and I think some of his colleagues ought to be here to listen to it. I do not believe we have a quorum.

**The Acting Speaker:** Would you please check and see if there is a quorum.

**Acting Clerk at the Table:** Speaker, a quorum is not present.

*The Acting Speaker ordered the bells rung.*

**Acting Clerk at the Table:** A quorum is now present, Speaker.

**The Acting Speaker:** The Chair recognizes the member for Scarborough West.

**Mr Jim Brown:** We now have quorum, and I think we've got three Liberals and no NDP present.

*Interjections.*

**Mr Jim Brown:** This is a very important bill. I know you don't think it is, but it's a very important bill.

Reducing red tape is important because red tape kills jobs by discouraging outside investment in Ontario; red tape makes it more difficult and expensive for job-creating businesses to start up, expand, survive and grow; red tape makes government less efficient, creating additional costs, delays and service problems; red tape creates unnecessary paperwork for the job generators, small business; and red tape impedes Ontario's economic growth and our ability to compete in the global economy. In short, red tape

wastes valuable time and money for everyone: businesses, the taxpayers and the government.

But thanks to the good work of the Red Tape Commission and efforts like Bill 25, we are reversing the trend. We've finally knocked a hole in the swelling bureaucracy. We are attacking red tape on several fronts. First, we are cutting our own bureaucracy while at the same time improving our service. It's right there in the Common Sense Revolution. We're doing better for less.

For instance, since 1995 the Ministry of Consumer and Commercial Relations has reduced its budget from \$156 million to \$102 million. Staff has gone from 2,100 to 1,700. Yet, remarkably, average transactions per staff member have increased by 50%. It just goes to show how cutting red tape saves money while increasing efficiency. It's better to have less people working more effectively than to have a bunch of people who are all bogged down by process and unnecessary paperwork.

We need to completely reorient our thinking. Customer service should be our main objective in government, not paper pushing. Government offices should be run on the same principles as any other service-related industry. Government offices should be run like a business. We deal with people and they need quick, effective service. When asked, Canadians identified the reduction of red tape and the simplification of forms and procedures and regulations as their top priority for service improvement.

**1840**

What kind of changes are we talking about? I remember not long ago when there was only one place in Ontario to go and register your business. It could take up to six weeks just to get the name reserved. Close to half the applications were returned as incorrect, and an application error could delay the starting of a business up to 16 weeks and, of course, the creation of jobs by up to 16 weeks.

That has all changed and it has changed quickly. Now there are over 100 locations for registering a business across the province. The registration can be done on your own computer and it only takes 20 minutes. There are no errors, no lost files and no mailing costs, not to mention the dozens of new services being provided, including Internet application.

The government has no right to interfere with a private citizen's right to start a business and make his or her own livelihood. On the contrary, we should be doing everything possible to get out of people's way and allow them the freedom to make their own decisions and investments without the hindrance of red tape, regulations and unnecessary bureaucracy.

Another good example of the benefit of cutting red tape like Bill 25 is the changes made to the Ontario tourism information telemarketing centre. Before we licensed it to Bell Global Solutions, it was a mess. There were over 69 ministry staffers manning the phones and, even with all those people, they were unable to meet the call demands. During peak times callers would often have to wait up to one half-hour for service. It was a nightmare.

Now the service is private sector operated and financed. There is no ministry staff. They are able to

adjust the number of travel counsellors to meet seasonal demand. The waiting time has gone down to two to three minutes from one half-hour. This call centre is a major success story. Instead of booking for 100 hotels, they now book for over 700. They've gone from 16 to 60 communities. Reservations have gone from 2,000 to 15,000 and, incredibly, the value of hotel bookings has gone up from \$420,000 to \$4.3 million. It's an excellent example of the success of red tape cutting strategies.

Many government programs are too costly and run inefficiently. If we let the private sector have the opportunity, it will do it better. We get all the benefits, like a boost in Ontario tourism, and it doesn't cost us a cent.

What can we do about this? Some of the proposed changes include eliminating the annual corporate filing fee. This will save Ontario businesses about \$14 million every year. Also, we will eliminate the first \$400,000 in annual business payrolls from the employer health tax by next year. This will significantly reduce payroll taxes, which are a major barrier to job creation. We will eliminate more than 1,000 unnecessary annual licences, permits and reports for farm and food processing businesses. The list of changes that the red tape committee will be recommending is as impressive as it is long. Then again, with over 45,000 regulations, there is still a lot of work to be done.

Once we've made the changes, we need to stick to them. As I've already said, there are a lot of people out there whose livelihood depends upon regulation and, as soon as we turn our backs, they'll be back at it again. It's not enough to cut away the red tape and go back to business as usual. We have to permanently change the system.

**Mr Joseph Spina (Brampton North):** Red tape, does that mean Liberal tape?

**Interjection:** It's the colour of the ink they use in their books.

**Mr Jim Brown:** Liberal red ink.

We still must establish a regulatory watchdog. An on-going commission reporting directly to the Premier will help ensure that the red tape doesn't begin to grow again. We must put in place permanent testing in the form of a "less paperwork" jobs test, a template through which all new laws and regulations will pass.

I won't go through all the new ideas the red tape commissioners have proposed, as I'm sure there will be plenty of opportunity to discuss them later. I will say that what this requires is nothing short of a complete system overhaul. We have to eliminate the culture of bureaucracy, regulation, duplication and waste, and we're doing it.

**Mr Spina:** What are we eliminating?

**Mr Jim Brown:** Overregulation, overduplication, red tape and waste.

Speaking as a member and as a former small business person and a red tape commissioner —

**Mr Gerretsen:** And a crime commissioner.

**Mr Jim Brown:** — and a crime commissioner, I am encouraged by the work of this commission. I am proud to speak in favour of this bill. It will mean more growth and



opportunity for the people of Ontario. It will mean millions of dollars in savings and increased service and efficiency. It will mean support for entrepreneurs and anyone who works for or operates a business in this province. Simply put, it will mean lots and lots of jobs.

Bill 25 tries to cut through some of the red tape and put "service" back into "customer service." Cutting red tape, establishing customer service in the government, eliminating duplication, cutting regulations — Bill 25 is another step to that end.

**The Acting Speaker:** Questions and comments? The member for Scarborough West has two minutes to respond. No? Further debate?

**Mr Dwight Duncan (Windsor-Walkerville):** I am pleased to join the debate this evening on Bill 25, which the government talks of as being a bill to carry forward initiatives in nine red tape bills which were originally introduced in February 1997. I'd like to address this topic a little differently from the way my colleague from Scarborough addressed it in his remarks a few moments ago. I'd like to actually talk about some of the major provisions and the schedules in the bill, which say not so much about a piece of important legislation but talk, in my view, more to the way a government does business, more to the way a government wants to control and regulate both our economic and political climate.

Bill 25 is titled An Act to reduce red tape by amending or repealing certain Acts and by enacting two new Acts, and I think there are three main points in this bill that we have to talk about.

First, just like the eight red tape bills that the government introduced in 1996, this bill has less to do with reducing red tape for business and consumers and more to do with providing new powers to implement fees and give new powers to cabinet ministers, that is, more power to cabinet ministers, less accountability, less responsibility on the part of this government, not so much to this House but to the people of the province of Ontario.

The member from Scarborough failed to mention that the bill also allows new or enhanced fee-setting powers under 40 different statutes. That's the ability to raise fees by a minister without any consultation, without any public debate, without any opportunity for public input, more power concentrated to the cabinet. Here we come back to this theme about democratic government, about openness, about accountability, which leads naturally to questions of money, both in terms of where it comes from for political parties and how much they can spend.

One of the more interesting schedules in this bill, and I wanted to take a few minutes to talk about it, is schedule J. This is the repeal of the Policy and Priorities Board of Cabinet. What does this mean? It is, I will confess, something of an inside-the-Beltway issue, but it speaks again about the way a party governs. They get rid of a cabinet committee, a committee composed of senior elected officials who enjoy the confidence of the Premier, and put power into the hands of the backroom organizers, the whiz kids, as we like to call them.

## 1850

What does that mean? This bill, like many others that the government has brought forward, is an omnibus bill. The title doesn't reflect what's in the bill. The members of the government party will get up and speak about different issues and attempt to tie them back to this legislation. Frankly, they don't do a good job of it. They review what they want to talk about, and not the reality of the bill. Tonight they want to talk about eliminating red tape and making it easier to do business in Ontario. They want to talk about things like that. But this bill only deals with it indirectly. This bill deals, through a number of different schedules, with a whole variety of issues.

It deals with agriculture, food and rural affairs. This is what the government says in some of those areas. It amends the Drainage Act. It exempts municipalities from sending copies of engineers' reports to affected landowners whose properties are assessed at a value of less than \$100. It amends the Drainage Act again, to allow the minister to pay a subsidy of any amount less than the current 50% on approved drainage projects. The Sheep and Wool Marketing Agency is repealed. The Tile Drainage Act is amended to exempt municipalities from OMB approval for borrowing bylaws and from being required to register such bylaws in the land registry office.

The Attorney General's department is affected: 12 acts are amended to allow corporate and public trustees more flexibility, it's claimed, in managing trust funds. The Courts of Justice Act is amended to allow for the electronic processing of writs and land registry documents. The Attorney General will no longer be required to approve applications to stop vexatious proceedings. The Evidence Act is amended to allow for official recognition of statutes and regulations in electronic form.

And on it goes: citizenship, culture and recreation, consumer and commercial relations. This act deals in a lot of areas. It makes 100 amendments to 30 ministry acts, almost all of which are minor technical amendments. It deals with energy, science and technology, and it deals with health in a number of instances, by amalgamating various boards in the Ministry of Health to supposedly make them more effective and accountable.

It amends the Conservation Authorities Act to remove the need for provincial approval of the enlargement, amalgamation or reduction in size of conservation authorities and to allow conservation authorities to enter into agreements to allow the oil and gas industry access to conservation area oil and gas reserves. Interesting: Give oil exploration companies access to conservation land for exploration.

A more controversial amendment to that act will identify flood control as a provincial interest in conservation authority matters. The Minister of Natural Resources will now have to approve conservation authority plans, regulations and amendments impacting floodplains, shoreline areas and unstable slopes and wetlands. The conservation authorities of Ontario believe that this amendment will result in substantially more overlap, more duplication and

confusion between the role of conservation authorities and the role of the province in protecting these areas.

These conservation authorities are also concerned that the amendment will leave gaps that will result in the elimination of regulations prohibiting polluted landfill to be buried near these sensitive water areas. What does it mean? Once again, slipping in more opportunity to abuse our public heritage, our lands, our conservation authorities. It takes away protections and, according to the conservation authorities of Ontario, creates duplication. It creates the very kind of waste that the government claims it wants to reduce.

We have a mixed bag in this bill. It's an omnibus bill, a bill designed to give more power to unelected officials with less accountability. I guess by now we shouldn't be surprised. I guess today we shouldn't have been surprised when the government introduced the election finances reform that it introduced. That was the bill today that the minister introducing it didn't want to speak about, didn't want any of us to have a debate about, thought he could slip it in behind the Hydro bill. The Americanization of Ontario politics bill, that's what it was, and it exposes all of us when a government introduces a bill that way. Whether they try to not debate a bill or cook up a whole variety of issues that don't relate to a bill, it's the same thing: The message and the substance are different.

The theme that we hear, though, whether it be in the area of election finance reform to allow big companies to impact more directly on our elections or whether it be to take powers away from local education authorities and consolidate them to the centre or whether it be to give the Health Services Restructuring Commission the power to close hospitals, one thing and one theme remain consistent: We have a government that's less interested in democracy and public debate than it is in simply controlling.

That's part of the theme of this bill. It gives great powers to ministers without the protection of even having to gazette some of these things to implement fees, user fees. Mike Harris used to say that a tax is a tax is a tax, but that song has changed, just like his song about not closing hospitals has changed. What was it he said in the all-candidates debate when asked directly about closing hospitals? He said, "It's not our intention to close hospitals," and 32 hospitals later, we see a government that still has not come to terms with its own essential reality.

We support in general the notion of reducing red tape, we support in general the notion of eliminating duplication in government and, to that extent, any number of the issues dealt with in here could, separately or in and of themselves, I suppose, be supported. But when you look at the government's overall record, a record of lessening protection for the environment, a record of centralizing control of our education system, a record of closing hospitals, of leaving people exposed to inadequate or insufficient emergency health care services, or when you look at another aspect of public policy under this government, the imposition of American-style politics, big-money politics, on our electoral process, without any attempt at reaching consensus, a government that's prepared to change the

rules governing something as fundamental as how we elect members to this Legislature, how we elect our government, without first seeking consensus, one ought not be surprised when you see a bill like this.

#### 1900

I say to the members of the government, whether it be red tape reduction, hospital closures, school closures, laying off teachers, laying off nurses, changing election law, the myth of your message versus the reality of your legislation becomes more clear with each passing day, and I can't help but believe that the kinds of missteps and misstatements that are contained in debate around this bill will eventually catch up with the government. I would submit that most of this bill is window dressing.

Yes, it's fair to say that some of the schedules in the bill remove obsolete legislation or provide a minimal amount of government operation streamlining, but for the most part the legislation implements various government downsizing projects such as, for instance, eliminating regional assessment review offices. And look at the mess you've made of our assessment system. Look at the mess you find in each and every one of our communities.

It was reported in my local newspaper just last week that the cost of your screwups to local taxpayers, just in terms of getting the assessment list to the municipality, is close to half a million dollars. That cost will have to be borne by property taxpayers right across the province, particularly in my community. When we talk about downsizing in our communities, we wonder what the impact of policing costs will be on towns like Tecumseh, we wonder what will become of the social housing stock right across our city and how it will be maintained and how property taxpayers can bear that burden.

Fundamental to this bill, at its very heart, is the notion of centralized control with little or no accountability. It's about a government that wants to bully, it's about a government that will impose its will without political discussion, political discourse, whatever you want to call it, and it's about a government that will spend any amount of taxpayers' money.

I see a brochure right here that my colleague from Kingston might want to share with us, yet another example — if I may, John — of taxpayers' money, those very taxpayers you claim to be protecting, being used to advertise your government's message. I would say to the people right across this province who are receiving this last week and this week, take it and send it back to Queen's Park, and put a little note. Put a stamp on it and send it back to the Premier and tell him he ought not to be wasting money on this kind of cheap political propaganda and ought to be investing it in hospitals where there are waiting lists, in communities where there are waiting lists for not only health and hospital services but so many other things — a blatant use, an inappropriate use of taxpayers' money.

Of course, this will all be augmented by the new election finances laws in this province which will allow the government to go out and spend, spend, spend to buy an election, and it will be spent on electronic media and on



broadcast media. It has already started. Look at any media in this province over the last eight weeks and how many full-page ads extolling one government position or another do you find? It's positively, I would submit, obscene, absolutely obscene.

As we debate Bill 25, an act that consolidates power, an act that gives enhanced fee-setting powers under 40 different statutes, an act that empowers ministers to do that without any kind of public review, without any kind of public discussion, all of us in this Legislature ought to bear in mind that there's nothing wrong with public debate. The spectacle of a minister introducing massive reform to our elections finances system and not wanting to speak to it in the Legislature to defend the government's position — all that says to the people of this province is that you're not interested in what they have to say.

You can control the agenda so far. You can use your spin, you can use the whiz kids, you can buy advertising with taxpayers' dollars, but the reality of bills like Bill 25 will not be lost. You can talk about red tape all you want, but even according to your own conservation authorities, it creates red tape and duplication. You can try to convince everybody of your position, but it simply won't work.

**The Acting Speaker:** Questions and comments?

**Mr Tony Martin (Sault Ste Marie):** I found the speech of the member from the Windsor area an interesting exposé of some of what's in this legislation that, at first blush, may seem to some rather nondescript. But he referred to one piece that I think is telling, because it's in keeping with a whole series of attacks on democracy as we've come to know it in this province over a period of many, many years.

It's interesting how in the last two to three years this government has slowly but surely eroded in very significant and meaningful ways the ability of the people out there to send people here to participate in the process of making laws and regulations that affect all of us, so much that you wonder, if they go much further, just exactly what influence anybody will have on that very important work we all do and that hopefully we will continue to do. That's the piece where they do away with P and P.

To a lot of people in this House, P and P doesn't excite you or get you all up in arms in any significant way, but it is an important piece of the whole process of how we vet pieces of legislation that come before this House. It's an elected group of people who advise the Premier, who are accountable, ultimately, to the constituents who elect them, who carry the blame if something goes wrong and take the success when it comes. But that's going to be eradicated. That's in keeping with the fewer politicians we have at this place now. I say keep your eyes open, because there's more to come.

**Mrs Lillian Ross (Hamilton West):** I listened very closely to the member for Windsor-Walkerville as he gave his speech. I want to touch on a couple of items he spoke to. One of them is schedule J, which is the repeal of the Policy and Priorities Board of Cabinet. I want to point out that this repeals the act, the Policy and Priorities Board of Cabinet Act; it doesn't repeal the board. It doesn't

preclude cabinet from setting up whatever committees they wish to set up. For example, the legislation regulation committee does not require an act for cabinet to set up the committee. It doesn't preclude cabinet from setting up whatever committees they wish to set up.

He talked about fee increases. I want to point out that under, for example, incorporation, from 1989 to 1993 the fee for incorporation went up from \$250 up to \$315. That was between 1989 and 1993-94. Since then we have held the cost; in fact, there has been no increase in cost. So that's not the purpose of this bill.

Let's go back to what the purpose of the red tape reduction bill is. It's to eliminate paperwork and red tape, get rid of barriers, create jobs and help businesses get on with what they do best, which is to create jobs to provide opportunity and hope for families and children, to provide a future for our families and for all our children. That's what this bill is all about. It's not about putting up barriers, about creating fees or costs or increasing regulation; it's about reducing them, eliminating barriers and getting on with the job of creating an economic climate in this province that is going to benefit all Ontarians.

**1910**

**Mr Gerretsen:** The government members always say, "We want to get rid of red tape." Who would be against getting rid of red tape? If it's useless government information or documentation, it has to be gotten rid of. There isn't a person in this House who doesn't believe that and wouldn't buy into that. We are all against needless red tape.

But what this bill is really all about is that under 40 different statutes there will be increased powers to set user fees. That's what it's all about. Yes, you are eliminating the need for corporate seals in certain circumstances and various other things that everybody would agree with, but it isn't only that you're dealing with. You are allowing user fees to be introduced under 40 different statutes.

Getting back to the member for Windsor-Walkerville, we had something happen here in this House today with the introduction of the new Election Finances Act which the people of Ontario must find somewhat difficult to understand, because here we've had a government that for the last three years has been talking about reducing government and reducing the cost of government, yet now they have the nerve to introduce a bill that is going to make it a lot more expensive for people to run in the electoral process. As a matter of fact, in some ridings the amount a candidate will be able to spend is double the current amount. The people of Ontario must think there is some inconsistency there.

Why would you want to spend more money, on shorter elections, if you are a government that wants to spend less money? For the life of me, I can't understand it. I would still like somebody to get up on the government side and explain that, because nobody has today.

**Mr Lessard:** If this government were really interested in eliminating red tape and that was one of their big priorities, they would have proceeded with this bill a long time ago, when it was introduced in February 1997. They

didn't do that. They didn't pass it in the last session; they had to bring it back in this session. The delay has caused significant problems for a number of organizations and municipalities. They could have recalled the Legislature in March, based on the traditional schedule, but they didn't do that. They left it until now, so we have to deal with it close to the end of this session.

The member talked about some of the costs that this government's delay in passing their legislation and dealing with their agenda has caused for communities like the city of Windsor. In a report considered by council last night, the commissioner of corporate services and the treasurer, Gerry Pinsonneault, outlined some of those costs. They had expected that the initial assessment roll was going to be provided to municipalities by April 30 of this year, but on March 27 the Minister of Finance announced that it was going to be postponed until May 29. That has come and gone as well, as a result of Bill 16.

They still aren't in a position where they're going to be able to issue the final tax notices, and because of that they expect the net cost to the taxpayers in the city of Windsor will be \$484,000. Those are unnecessary costs due to this government's mismanagement. Capital projects have been delayed and budget deliberations and approvals have been delayed for up to six months. It really was unnecessary. It could have been avoided if this government had managed their agenda. We could have dealt with these red tape bills a long time ago if they had recalled the Legislature to deal with their business when they should have.

**The Acting Speaker:** The member for Windsor-Walkerville has two minutes to respond.

**Mr Duncan:** To the government member I say, read the bill. Get off your talking points. Look at what it does. It consolidates power, power for new user fees, right across a number of statutes. It takes power away from elected officials and puts it into the hands of people like the whiz kids, people who want to jack up the price of elections, people who want to take power away from the people of this province and put it into their own hands. You may be prepared to come in here and do what they tell you, but we on this side of the House are not. We will not do that. We will not allow the Americanization of our politics, just as we won't allow you to pull the wool over the eyes of the people of this province.

You said you'd close no hospitals. You've closed 32. Count them — done. You said you wouldn't touch classroom spending. Guess what? Cut — done, fait accompli. You've said lots of things, and it's going to catch up with you. All the spin and all the talking points in the world cannot conceal the fact that this government is about hurting people. It's about closing schools. It's about eliminating junior kindergarten. It's about closing hospitals. It's about waiting rooms and emergency rooms. That's what this government's about.

**Mr Alvin Curling (Scarborough North):** More homeless.

**Mr Duncan:** More homeless — good point. Look what you've done with rent control.

When a member from the governing party speaks of spin and not of reality, not of what is contained in the bill —

**Mr W. Leo Jordan (Lanark-Renfrew):** Did you read it?

**Mr Duncan:** I've read it a few times, I say to the member opposite. Have you? Based on what I've heard, you've said nothing about what's in the bill. I suggest to the members of the government, spend some money to open some hospitals, spend some money on emergency rooms and on junior kindergarten, and get off your talking points and on to what the people of this province want to hear.

**The Acting Speaker:** Further debate?

**Mr David Christopherson (Hamilton Centre):** I appreciate the opportunity to join in the debate on the discussion around Bill 25. Speaker, for your benefit I want to raise the fact that under the explanatory note which forms the first page of the bill, it states, "The bill is part of the government's initiative to reduce red tape." So I will be speaking of course to the bill, but also matters that I believe fairly fall under the ambit of the government's overall initiatives vis-à-vis red tape.

When we start talking about this government's agenda with regard to red tape, the first thing we have to do is recognize that this is a government that, as much as it hurts me to admit it, really is masterful at the wordsmithing. I'm sure there are people deep in the bowels of the government who are rubbing their hands with glee looking at the TV and saying: "Thank you. We appreciate that." On a strictly professional level, if you will, I would acknowledge the expertise that's gone into accomplishing this. You have done a good job.

I don't know how much pride you want to take in having done a good job of pulling the wool over the eyes of the general public, in my opinion conning the public. Like a sleight-of-hand artist, you're hoping everybody's looking over here where you're doing all the talking, but all the real action's taking place over here with the other hand. And like magicians, ultimately the goal is to give a pre-arranged success that you've already calculated well ahead of time and also figured out where it plays into things.

What I mean by that — and I've made this argument before on previous red tape bills but obviously believe it important enough to underscore a second time. I think there are two parts to thinking about red tape when we look at this government.

First of all, I agree with my colleague from Kingston and The Islands about red tape that is truly red tape in the sense that most people would think of it: duplication, forms to fill out that don't serve any function, it seems, other than filling out a form, because the information either is not required or is perhaps contained in another form; delays that are unacceptable, that aren't reasonable; procedures that are confusing, that overlap, that in the worst-case scenario send the citizens around in circles over and over again.



1920

When we say "red tape," a lot of us think of that, and of course that's what you want the public to believe all of this is addressing. But I'm arguing that this is two things, and one is that legitimate aspect. I agree with John, the member for Kingston and The Islands: If that's the kind of red tape you've got, why would anybody oppose eliminating it? Why would we? You could say: "You're the opposition. You're supposed to oppose anything." Well, if you don't have anything on matters that are clearly removing bureaucracy or removing problems, why would we waste valuable political time, since you give us so bloody little of it in this House now —

**Mr William Saunderson (Eglinton):** Don't talk like that.

**Mr Christopherson:** What part didn't you like, "bloody" or "House"?

*Interjection.*

**Mr Christopherson:** Oh, give me a break. The guy doesn't like the word "bloody"? That's good for me. The fact is that, uh — now you've done it. That was probably your point. Usually I wait for serious heckles; yours was so silly it threw me right off.

To put myself back on track, the fact is that we're not going to waste good political time on issues that just don't have any heft to them. That doesn't make sense. There are enough serious issues that we want to put our time in on.

If you've got things that are going to cut red tape, as we use it in regular everyday language, it would be supported by people, both the concept and the detail, even the legislation or regulation. I'd believe that of the Tories if they were on the other side. I can remember when sometimes we had what are called housekeeping bills. Some of the members were here in the last Parliament and they sat where we are now in the third party. Things can change quickly, I would remind the sitting government. I can recall times when we said, "Look, this is just a housekeeping bill; it's a quick piece to clean up some language and to update legislative numbers and bill numbers etc." and we got cooperation. We'd just whiz them through. It wasn't a problem.

I believe there's a legitimate argument, when there is what we would think of as regular red tape, that something needs to be done. I also believe that most opposition members would believe it's the right thing to do, to pass it and get it out of the way. Also, they're not going to waste time on things that don't matter.

But then there's the other side of what "red tape" means to this government. They've been hoping to convince people that any regulation they cut, any procedure they cut, in fact anything that might be in this bill, which is not a small bill by any stretch, and the other red tape bills, if it's under that label of "red tape," people are supposed to believe automatically that it is nothing but the innocuous, benign cleanup they say it is.

The fact is that that's not true. That is not the reality at all. I'd like to point to something very important to my home town of Hamilton, and that is the issue of the environment. Not long ago, just a few weeks ago in this

House, we had the Environmental Commissioner release her report. Lo and behold, in her direct message, "A Message from the Environmental Commissioner of Ontario," which runs over two pages, she states:

"Overall, environmental health continues to be a very low priority for the ministers of this province. Ministry business plans indicate that ministers are withdrawing from their environmental commitments. More and more, they are failing to integrate their responsibility for the environment into their core business plans and into their social, economic and scientific considerations. I remind these ministers that a healthful environment is an important part of a healthy economy and a healthy society.

"Recognizing the acknowledged and direct link between air quality and people's health, I paid particular attention in 1997 to decisions made by ministers that affect air quality. I found that 'clean air' commands only a small portion of MOE's environmental protection budget, even though the Minister of the Environment has said that clean air is a major ministry focus."

This is the same minister, I would point out, who says there's still no need for a public inquiry into the Plastimet fire in Hamilton. Although even today there were two individuals found guilty under our provincial laws directly related to that Plastimet fire, still this government refuses to hold a public inquiry. I make the direct link that I believe the reason he doesn't want to do that is because he doesn't want to answer for the cuts in budgeting and staffing that have taken place, ravaging the Ministry of the Environment. I think that's why he doesn't want to call that public inquiry. But that will become clear as I move through the Environmental Commissioner's comments.

"I found that in the US, new standards set by the Clean Air Act will be mandatory in every state" — mandatory in every state — "while in Ontario, our more stringent, but unenforceable guidelines for inhalable particulates are regularly exceeded in cities such as Windsor, Hamilton, Toronto, Sault Ste Marie and London."

Here's the clincher, and this is the Environmental Commissioner speaking just a few weeks ago: "Ontario's focus needs to change from one of granting regulatory relief for polluters to improving its commitments to the environmental health of its residents and the natural environment." Let's repeat that: "Ontario's focus needs to change," because she's saying this is where you are now, "from one of granting regulatory relief for polluters." Well, well, well, surprise, surprise, surprise: The Environmental Commissioner is stating very clearly in her report that you are making regulatory changes that help polluters and hurt the health of our citizens.

That's no big surprise to those of us who remember when the red tape commissioners — you folks really love commissioners. It should almost be "commissar," but we'll live with "commissioner." When the commissioners released their package of red tape, one of the things in there was a recommendation to move to a 50-hour workweek, that that would become the standard workweek in Ontario. Hell, we're already behind the other provinces. We're at 44. People think it's 40; it's not, it's 44, and how

long has it been at 44 for Ontario? Even if you thought it was 40, it has been decades.

There's now a serious movement afoot, as we take a look at the new global economy and the new economic pressures on us and the need for decent-paying jobs — of course something you don't care about, because nine times out of 10 it means your friends get a little less profit, as that would require them giving up something and it going to the people doing the work. So you don't like decent-paying jobs. But as some of us spend the time thinking about and looking at how we can provide decent-paying jobs, one of the things one looks at is reduced hours of work.

Obviously, we don't want to be into a situation where we're sort of sharing the poverty, if you will, because once you reach a certain level, that's where that goes, and that's not an easy issue to deal with. But there are people who are at least thinking in that direction. But my point is that they're thinking in a direction that says we need to make sure we are enjoying the benefits of all the new technology we have and all the benefits of the new wealth that's being created and the benefits of this huge boom that's going on being generated by the US economy.

But what are the Tories looking at? Under red tape, they said they wanted to increase the hours of work to 50 hours a week. Not only is that obscene to be talking about — a bunch of right-wing loonies going in that direction in the context of what's going on now in the rest of the world — but what has that got to do with red tape?

That's my larger point: It's not about red tape. It wouldn't be about red tape. It's labour law. It may be found in regulation — though this is actually found in legislation — but if you had a regulation that could merely change that, that still doesn't change the fact that it's not red tape as people would think of it under the loose definition I mentioned earlier.

### 1930

It's a major change to an issue that affects people's daily work lives, just like the regulatory changes that you made in the Ministry of the Environment. Yes, they helped your corporate pals in the short term, because it's easier for them to get the approvals and to do all the expansions and things they want. As long as they're not destroying the environment, those are wonderful things. But when we're asked as citizens to pay the price of our environment for somebody else's economic benefit, there's the rub. That's the point the Environmental Commissioner is making and it's the point that I am making. When this government says "red tape," people should not just suddenly close their eyes and say, "It can't be important, it can't relate to me." Damn right it can, a lot, because this is a game, a game this government takes very seriously and it's about making sure that their friends win.

I'm surprised they didn't announce as part of the changes to the Election Finances Act that it was merely red tape. They got rid of one of the commissions, although I guess for people who create so many commissions and commissioners, it must have been difficult to actually accept you were going to eliminate a commission. In this

case, it was one that served a good purpose. It regulated the election finances in the province of Ontario. You've shortened the election period. All this was done just today.

My point is, I'm surprised you didn't say it's merely red tape, although we have heard the Chair of Management Board stand up and say — here are the words, and if you look at other red tape legislation, similar words are used — "streamlining," "efficiency," "removal of duplication" — again, all the things that are so motherhood no one would oppose them, except behind those spin words is the reality that this government is changing laws to suit them and theirs.

They want to change the labour laws, as they've already done in so many sad cases, truly, that have benefited theirs and hurt people. I've shown here today where the Environmental Commissioner — not me as an opposition member — has clearly and plainly showed that you making regulatory changes has helped polluters and hurt our environment and hurt our citizens. That's exactly what you're doing when you introduce your new changes to the election rules and how they're financed.

Do you honestly think that people are so gullible they won't be able to figure out that by increasing the amount of money that corporations can contribute — doubling it — by raising the amount of money that can be spent, shortening the election and making the ridings the size that they are, you want money to be a central part of who wins elections in the province of Ontario? How convenient.

This government held a fund-raiser not that long ago, a few weeks ago, in Toronto and it netted two million bucks. I can't speak for its accuracy but I did read in one of the media that the Minister of Agriculture held a fund-raiser for his riding and netted, after expenses, \$50,000. That's a lot of money to be able to raise with one event, at a time when your central party is holding fund-raisers in one evening that put two million bucks in the bank.

Money's not a problem for you and your friends. It never was. It was always about power and control. What's the linkage? The linkage is that when you've got enough money to prop up this kind of government, then you've got a virtual blank cheque, not for more money but to get regulatory laws changed and legislative laws changed so that you can go out and make a lot more money than you ever put in. It's a great system.

The problem is, after a while people catch on and that's what's happened to this government. So what have they done? "Let's change the rules again." You didn't like the way the House operated because there was too much democracy so you changed it. You got rid of a whole bunch of democracy. You don't like the way the next election's likely to be run because of the fact that you're going to have a lot of problems? Change the way we run elections in Ontario, change the way they're funded, make them shorter and make them focused on the ability to create advertising. Pay for advertising air time and get your message out there.

All you have to do is plan the ramp up before the election, because you're the only ones who know when the election is; we don't have a fixed date. What a great deal.



Under this new method where money buys — and I'm not saying it buys the whole election but I am saying that the ability to run campaigns that are at the limit and to have enough money to fund the things you need is an important part of running elections in a democracy — crucial. If it weren't so, corporations wouldn't spend so much money on their advertising budgets. Advertising works.

Given the fact that you're the folks who can tap into most of the moneyed people, certainly in North America and probably around the world — Ontario's an important place — this is a great plan for you.

For the poor citizens out there, again, tough. Just sit at home and watch the TV in whatever few hours after your longer work week the Tories will allow you. Sit there and watch TV and soak up all those ads and get spun by one or two or three issues and don't think about anything else the government might do, because there's an awful lot of people who were pretty shocked when they supported you for one or two issues and found out what came with the rest of that package. At the end of the day, march in there and vote for the best bumper sticker slogan you can. That is usually the one that looks the best and is worded the best. Unfortunately, in far too many cases, that means money, and money means power and power means regulations.

I consider all of this to be part of an overall approach that this government has towards the people and power in this province.

**The Acting Speaker:** Comments and questions?

**Mrs Ross:** I would like to bring the member for Hamilton Centre back to the act that we're debating here, which is the Red Tape Reduction Act, 1998.

I want to reiterate that what's in this act are responses to a lot of consultation that we heard, responses to the Red Tape Commission, which looked at everything that we do as a government and looked at eliminating obsolete provisions and bringing together harmonization with other statutes, things that made sense to come together, and eliminating those things that shouldn't be there at all. As an example of elimination, there's the — what was it called? The sheep marketing, sheep and wool —

**Mr Gerretsen:** We'll give you that one.

**Mrs Ross:** Okay, they're going to give us this one. This is the Sheep and Wool Marketing Act. The act originally authorized the voluntary promotion and improvement of sheep and wool marketing activities. The act has not been used since the 1985 inception of the Ontario Sheep Marketing Agency, which has legal authority for industry promotion and improvement under the Farm Products Marketing Act. It's pretty redundant and that's why we've gotten rid of it.

There are other things in the bill. For example, the Land Titles Act will now allow hearings to be held in locations other than land registry offices or the office of the director of titles, as is currently required. This only makes sense, because it allows for greater convenience for all interested parties and it means the public has greater access to government services. That's an important change.

This act looks at what government does and tries to respond by making things easier, better for the public, easier accessibility to government services, providing business with opportunity to create jobs — I bring it all back to jobs and the economy — and a better future for us, for our children and for our children's children. That's what reducing red tape is all about: making government services better.

**Mr Gerretsen:** Let me add to what the member for Hamilton West just said. What she doesn't talk about are the number of sections in this bill which allow ministers, under different statutes, the ability to set fees and to collect fees where they haven't before. I'm just looking here and I challenge anybody in the House to look at pages 28 to 32. There are about 10 instances where ministers now will have direct power in effect to set fees and prescribe fees, and nobody knows what they're going to be.

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**Mr Lessard:** That isn't a tax, though.

**Mr Gerretsen:** A user fee is a tax. Mike Harris said so, and of course everybody knows it is. It's another way of taxing people. You have really added about 40 new taxes as a result of this bill.

**Mr E.J. Douglas Rollins (Quinte):** Wrong spin.

**Mr Gerretsen:** You can say no. You've got powers in there for ministers to collect taxes and to set fees that you've never had before. Read the act and you'll see, so don't just talk about the fact that you're eliminating red tape. We've already agreed with the member for Hamilton West on a number of occasions. Cut all the red tape you can where it makes sense to cut the red tape, but also talk about the fees that you are now prescribing.

To get back to the main speaker, the member for Hamilton Centre, who always speaks so forcefully and powerfully in this House, what the people of Ontario should understand is that the election time period is going to be reduced to 28 days, yet the amount of money that can be spent in a riding is in some cases going to be doubled. As well, under the Corporations Tax Act the maximum deduction for a political contribution is going to be raised from \$7,000 to \$15,000. You are now going to have corporations that in effect can get a \$15,000 benefit.

**Mr Lessard:** I want to commend the member for Hamilton Centre for his very insightful comments with respect to this red tape bill. What he pointed out really is that so often when this government is dealing with the elimination of red tape, people who are interested in protection of the environment and protection of labour standards, for example, have to say, "We better look out; something's coming our way and it might not mean what this government is actually talking about."

We see too often that when they're talking about eliminating red tape, what they're really talking about is eliminating environmental protection. That's really borne out by the report from the Environmental Commissioner, which the member mentioned in his remarks. That's something that's very close to home. The appointment of the Environmental Commissioner was something I was involved in. Her most recent report was one that men-

tioned the impact on the environment that this government's approach has had.

One of the things she said in her report was, "Overall, environmental health continues to be a very low priority for the ministers of this province." That's the context we have to consider bills like this one in, eliminating red tape, what their approach is going to be. Are they really going to be interested in increasing protection for the environment when we see that's the kind of approach they're taking? We know that the approach they've taken has really led to the deterioration of air quality in cities like Windsor and in my community, and also in Hamilton Centre. It has meant that there are more inhalable particulates in the air, and that's really having a detrimental impact on the health of people who live in our communities. That's something we need to be vigilant about.

**The Acting Speaker:** The member for Hamilton Centre has two minutes to respond.

**Mr Christopherson:** I want to thank the members, my colleagues from Hamilton West, Kingston and The Islands and Windsor-Riverside.

To my colleague from Windsor-Riverside I would just state that I'm not surprised that you wanted to reference this in your two-minute response, and I understand you'll also use it as part of your 20 minutes today, because your community is listed almost as often as mine in terms of the risk and the danger that this government's environmental policies, their red tape cutting, has put the citizens in.

To the member for Kingston and The Islands, it's always interesting to hear his comments and I appreciate that he took the time to stand and respond. I would add to what the member has said by also reminding anyone watching that the changes we're talking about to the Election Finances Act and the new way that elections are run and financed in the province of Ontario were always done traditionally by all-party agreement. They were introduced that way; they were amended that way only. This is the first government that has ever brought them in and intends to ram them through the Legislature in the face of opposition from both of the official opposition parties, if I can call them that without having you leap to your feet.

Lastly, to my colleague from Hamilton West, who talked again, the second time I've heard her on her feet talking about this, I understand her need to do that. She's a parliamentary assistant and has to justify the \$11,000 or \$12,000 she gets, so she has a job to do. But I have to say I'm very disappointed that she would get up and talk about family and children and their future in the face of this government's attack, again in particular on our environment. That does affect our children, that does affect their future. She won't support a public inquiry into Plastimet, but she's prepared to do this for a few pieces of silver.

**The Acting Speaker:** Further debate.

**Mr Spina:** I wonder sometimes when we get up in this House if this becomes a debate as to who can shout the loudest, like the member for Hamilton Centre, or who can try to compete with the idiocy or smarmy comments that come from the opposition members about people who are parliamentary assistants: "They make \$10,000 or

\$12,000; they've got to justify their position." Well, hello. These people were cabinet ministers for five years and what did they do for their \$130,000 a year? Nothing. They ran up the debt, doubled the deficit in this province.

Let's talk about red tape, because red tape costs money. Red tape destroys the economy in this province. And it comes from the Liberal attitudes and the NDP attitudes: "Business? Well, let's not let them make any money. You know why. Because that means they make some money and they put it in their pockets. Oh, heaven forbid. We don't want anybody to make money. It might create jobs. Oh, my goodness. Isn't that something new."

**Mr Christopherson:** Tell us what kind of jobs. Like the ones downstairs in the dining room?

**Mr Spina:** Powerful jobs, wonderful jobs. I'll tell you the kind of jobs that we create: 1,100 jobs at the Chrysler plant in Brampton, CAW jobs, people who support this government. Chrysler jobs, Northern Telecom jobs. And you know what? I'd lay a bet on this government.

**Mr Christopherson:** How about scab jobs? You support scabs. Scab jobs, and your freedom is at stake.

**Mr Spina:** By getting rid of red tape, we will create Boeing jobs in this province.

**Mr Christopherson:** Okay, who was the loudest, honestly? Don't show favourites.

**The Acting Speaker:** I'm not concerned about that. I'm concerned that there's only one speaker in this House at a time. I would like to be able to hear the member who has been recognized, who should be up, and the rest I would rather not hear.

**Mr Spina:** You see, when the blood and the adrenaline begin to run, sometimes it's difficult to control your emotions, but we must do the best we can. My friend the Hansard clerk always warns me about being careful about my interjections. I'll try to help with that.

We ask, what is red tape? Let me do a little quote here: "Red tape includes government measures that negatively effect Ontario's economic competitiveness." How? By adding unnecessary requirements, by adding costs, by adding delays to the normal activities of business and institutions. How are they created? Legislation, regulations, licences, permits, approvals, standards, registration, filing, paperwork enforcement. Boy, I'll tell you, if we added any more stuff here we may as well be in a communist country, where you can't move without 80 stamps and approvals of what you're doing. You couldn't get an apartment without the federal government approving it. That's a Communist environment. I wonder if we were really headed that way.

**1950**

The Liberals in their self-righteousness talk about, "Let's eliminate some of the red tape that is necessary." Thank you, member for Kingston and The Islands. Where were you when the employer health tax was foisted on the small businesses of this province in 1989?

**Mr Gerretsen:** Not here.

**Mr Spina:** You still believed in your Liberal colleagues to be able to run on a platform that literally killed small business in an environment where the economy was



the hottest in the history of this province, in 1989. David Peterson and your government killed it; you killed it.

There are a lot of things that go on in red tape, and cutting red tape — I always liked the colour of that word. It's marvellous. I think we call it "red" tape because it must have been created by the Liberals. That's the only thing I can think of, that it was created by the Liberals and that's why they call it "red" tape. It certainly wasn't blue tape.

**Mr Christopherson:** What's your favourite, duct tape?

**Mr Spina:** With due respect to my colleagues from the New Democratic Party, it's not orange tape and that's good, because that would probably be even brighter. But red is there and that's what we refer to it as, red. You know why? The colour red represents a barrier. Red stop signs, right? At a traffic light you've got to stop if it's red. I can see the transition here and I understand now why the Liberals have adopted red for their party colour.

But you know, there were a lot of things that government was doing, and this red tape prevents the government from providing the best possible service to its customers. Hello? There's a new word, something government is unaccustomed to dealing with, the word "customers" — not taxpayers, not people who call us because they've got problems with all kinds of different government departments and God knows which ministry is doing it to them this week, this month, today.

**Mr Gerretsen:** They are still doing it to them.

**Mr Spina:** I don't argue with the member for Kingston and The Islands, who says that they're still doing it to them. You know why? Because turning this government around, with due respect, is like turning the Titanic around in a bay.

**Mr Gerretsen:** It's tough to do that.

**Mr Spina:** It sure is tough to do that, and you know what? You guys don't make it any easier. We're heading in a direction that is creating an environment for business, for jobs, for hope and opportunity for the people of this province, and you try to hinder us, back-stab us and stop us in any way you possibly can.

**Mr Lessard:** We're going to be red tape pretty soon.

**Mr Spina:** The member for Hamilton Centre made a great suggestion. He said, "Perhaps you can call it duct tape." You know, you're right, my friend, because I think red tape is like duct tape. It serves to constrict and block and cover things up. That's what duct tape does; that's what red tape does.

There's a whole bunch of things that this particular Red Tape Commission intended to do. The Premier struck this commission to achieve the objective of eliminating as much as we could, given the phenomenal number of 45,000 regulations that are present in the current legislative structure. We talk about the employer health tax that the Liberals had, and there's the really outdated stuff.

I thought this was kind of neat. When I first got to sit on this commission I thought it was really neat that we were going to change some stuff. I couldn't believe some of the stuff that came across the table, like if I want to be a projectionist in a movie theatre in this province, I have to

have 800 hours of training. I don't think anybody would deny that you need some training to run a projector in a movie theatre —

**Mr Christopherson:** A little more for you. You'd need some tutoring, Joe.

**Mr Spina:** Let's not get personal.

Perhaps there was a need for 800 hours of projectionist training time, but now, you see, to be a helicopter pilot it took 600 hours of flying time to achieve a certain level of recognition in your training process. What we had to come to grips with, folks, was why it takes 200 hours more to operate a projector in a movie theatre than it does to fly a helicopter. It just doesn't make sense.

That was the objective of creating a Red Tape Commission, and do you know what? As soon as we reduced the number of hours — frankly, I think we abolished it and left it to the film industry to decide how much time they needed to actually train somebody. That's fine, that's up to them. If the individual hasn't had enough training and destroys a projector, that's the responsibility of Odeon or Famous Players or whoever is the theatre operator.

Before you can abolish a regulation or a piece of legislation in this government you have to do something that I think was created by regulation. You have to research the original reason for that piece of legislation or regulation coming into play. So we did the research on this projectionist, and I tell you this anecdote because I think it exemplifies what red tape is about. Do you know why they had 800 hours of training for a projectionist? Because in 1932 there were a couple of reasons.

First of all, film was volatile and could catch fire if there was too much friction. Great. We understand, therefore, that you needed some training so the film doesn't catch fire while you're showing it to the audience. But why 800 hours? It was determined at the time the union of theatre projectionists was formed there that were too many people who wanted into that business. They felt the only way to control it was to have a long training period, and the union set the rules at that time. That was interesting. Perhaps it served its purpose in 1932. Notice, member for Hamilton Centre, I did not slam the union. I just want to draw that to your attention, my friend. The interesting thing is that perhaps it was necessary in 1932, but it sure isn't necessary in 1998.

My friends have spoken about the different things we've done for business, and I want to give credit to the previous government for a couple of things they at least initiated: the Ontario business registration access program, called OBRA. Remember that one? That was created in the last legs of the last government but it was just an experiment, and we're very pleased that we were able to take that and really build it into what it ought to be.

That's the computerized system that the member for Scarborough North talked about that reduces the registration of a business down to 20 minutes instead of us having to drive from my riding of Brampton down to University Avenue. If you lived in Sudbury, Kirkland Lake, Thunder Bay or Red Lake, you either had to deal with a lawyer or you had to mail it in. Sometimes you even had to go to

visit the member for Simcoe Centre if you were in Barrie just to register your business. Today you still have to go and see him because of an incorporated business.

**Mr Gerretsen:** That's absolute nonsense. That is nonsense you are spouting, sir.

**Mr Spina:** Speaker, I challenge the individual. Is that parliamentary? I don't know, Speaker. The individual says it's nonsense.

**Mr Gerretsen:** You could register a business by mail for the last 25 years.

**Mr Spina:** I never said you couldn't. Yes, you can —

**Mr Gerretsen:** You said you had to go somewhere and do it. All you do is go to the post office and put it in the mail.

2000

**Mr Spina:** Speaker, how many debates are on here? I thought I was speaking.

The point is, if you wanted to incorporate a company, unquestionably you had to deal with a lawyer. However, if you were registering a sole proprietorship or a limited partnership, you had two options. You trucked your butt on down to University Avenue to the Ministry of Consumer and Commercial Relations or you mailed in for the forms. Then the ministry mailed them back to you in Red Lake or Kingston and you filled them out. You attached your cheque and then you mailed it back, and after X number of weeks, they mailed it back to you to tell you whether the name was acceptable, the research, the business was okay. That took six to eight weeks.

Obviously, the member from Kingston has no idea what it's like to be in business. You know why? I registered four businesses of my own that way, and I can tell you that it took that long.

**Mr Gerretsen:** You took the long route then. You should have got somebody competent to look after it. You didn't know what you were doing.

**Mr Spina:** I can tell you, my friend, I've got a university degree and I certainly felt that I had the education to be able to do that in an intelligent, organized and educated manner, and it was not easy.

What do we need to do? We are attempting to introduce a one-window approach to doing business in this province, but it's not just for business. We are also trying to develop what I said earlier, a customer service attitude. In some places it's starting to work. You cannot turn around a 65,000-employee company, called the government of Ontario, overnight. You can't do it in two weeks, you can't do it in two months, but you can at least begin the process. That's what we have begun, the process of developing a customer service system in this province.

I'll give you a small example. As the parliamentary assistant for Northern Development and Mines, I'm very proud of the people in our ministry who put together what they called an area team concept. What happened in the past was, and perhaps to some extent in some communities it still happens, if I happened to be living in Pickle Lake and the only government representative in my area was the MNR officer, I went to the MNR office. If I wanted to get information about any government services, if I wanted to

be able to find out what's happening with health care or with education or with my fishing licences — he was able to answer the questions on the fishing licence. Why? That's an MNR responsibility. But heaven forbid I should ask him a question about anything else because, you know, that's not their ministry. That was the attitude they had: "I look after MNR. I'm really not into the mining stuff. You're going to have to talk to the prospector people over in Red Lake. I'm in Pickle Lake. You've got to go over to Manitowadge or Marathon."

How do we resolve this? We created these area service teams. I compliment the deputy minister in our ministry, Donald Obonsawin, who put together the concept with the people in northern development and mines and created the area team concept. We brought together groups of people in different communities in northwestern Ontario, and in northeastern Ontario, I might add, that each represent their own ministry. But you know what? They are now trained to handle all kinds of government questions and, if they aren't able to answer the question for that customer/taxpayer, they can very quickly get the answer by phoning another member of their area team who is the expert in that particular subject matter.

I think this is an excellent example of how government can better serve its customers. You put together area service teams in a very large, vast, geographically remote area and you try to serve them the best way you can. But in a larger urban area you can also work hard to centralize the services, to help still give that one-window approach, so that if I want to talk about my lost driver's licence, my lost birth certificate, my fishing licence, how I enter the hunting draw, then you know what? I can deal with one person who can help me. That sounds idealistic and perhaps it is, but that's the direction in which we want this government to head. That's what the Red Tape Commission is trying to help achieve. That's what it's about: helping to create a system that is better for the taxpayer, the customer who pays us for our time and our wages.

**The Acting Speaker:** Comments and questions?

**Mr Gerretsen:** Let me just say that what the member stated about the manner in which one registers businesses and corporations and the difficulty that one went through to accomplish that hasn't been the way he stated for at least the last 20 years or so, and I suggest that he get his facts straight.

The government wanted to be more business oriented in giving customer service. I suggest that you give the same customer service to the property taxpayers out there. You have had four different property tax bills before this House and you have had it wrong each and every time. Last week we almost had to start a filibuster in order to get one day of committee time with respect to Bill 16 that's coming forward for third reading tomorrow, and you still got it wrong. Let me read you a very short little paragraph from the clerks and treasurers once again:

"Although we appreciated the opportunity to appear before the standing committee on finance and economic affairs, it is unfortunate that a two-week delay in the implementation of Bill 16 produced minimal results. We



had hoped the delay would have produced thoughtful and rational amendments to what we consider to be a seriously flawed bill. The changes made to the bill will not have any positive effect on municipal operations this year, nor will they provide municipalities with relief from flawed legislation."

So, sir, you still haven't got it right the fourth time around, and the property taxpayers of Ontario will only realize that when they get their final bill. God knows when they'll get it, because we know, first, the assessment rolls will have to be prepared and, finally, the clerks and treasurers will be able to get the tax bills out after the councils have set the actual tax rates in the various municipalities. Only then will the property taxpayers of Ontario realize the seriously flawed legislation that you have brought forward and you still couldn't get right the fourth time around. So, yes, do your research a little bit better than you have been doing.

**Mr Christopherson:** I appreciate the opportunity to respond to the member in this few minutes. I made a couple of notes as he was talking. First of all, by the way, I realize that your little parody at the beginning was meant to put me in my place, if you will, but I've got to tell you, I thought it was a lot more interesting than the rest of it. If people aren't interested, they aren't listening, and if they aren't listening, what's the point of trying to lead anybody anywhere?

Having said that, I was interested, and I always am, when Tories members start off with "citizen," quickly get over to "taxpayer," and then from taxpayer they want to go to "customer." There's a reason for this. There's a reason they like the business lingo. First of all, it still has a nice resilient sound to it, if you will, with people to say "businesslike fashion," because that suggests, of course, the lack of excess, the lack of bureaucracy. It means doing things in a crisp, clean kind of way.

We know if that alone did it, there would never be any bankruptcies in this province, so it guarantees nothing, but it does set them up nicely because when they start talking about customers, people don't think of themselves as patients in a hospital. But when you're a citizen, especially of the province of Ontario in this great country, we tend to think of ourselves in that holistic sense, the rights we have to a decent health care system, the rights we have to a decent education system, the rights we have to good public health. But as a customer you're limited. I think that's why they like to use that word.

I would just suggest if we're talking about the environment, which I have reflected on a lot because of its importance to Hamilton, who is the customer when we're dealing with you allowing our environment to be damaged and destroyed to make a few bucks? The land, the air, the company, the water, the citizens? Who is the customer? I can tell you who the citizens are and how they feel.

**2010**

**Mr Joseph N. Tascona (Simcoe Centre):** I'm pleased to comment on the address made by the member for Brampton North. I think it's a very insightful approach taken by the member for Brampton North, considering his

responsibilities as parliamentary assistant. Certainly his focus on what the red tape is about is how government can better serve its customers and essentially get the red tape out of the way of businesses and citizens of Ontario. The approach that has been taken with respect to registering businesses and streamlining the process comes from an individual who has great experience in the business world, and I think he has added a lot to the Red Tape Commission, of which I am a member, and I certainly think has done a very good job.

It's very interesting to note the one example of a 1932 law with respect to the number of hours that had to be spent by a projectionist to get the licence, 800 hours. It certainly shows that the 45,000 regulations that are out there are going to create a lot of work that has to be done to make sure we can streamline the business world, because when you're looking at laws that have been in place since 1932 with no basis, we have to focus in terms of making things better and removing the red tape.

It's interesting to note the comments of the member for Kingston and The Islands and the member for Hamilton Centre. They really don't focus on what we're talking about with respect to red tape. When the member for Hamilton Centre says that removing the red tape for businesses which create jobs guarantees nothing, he really is talking about nothing, because the fact of the matter is that it is focusing on removing red tape for businesses to create jobs, and the customer is the primary person we should be serving. That is the taxpayer. I think the approach of the Red Tape Commission is right on, and I commend the speaker from Brampton North.

**The Speaker (Hon Chris Stockwell):** Questions and comments? Response, the member for Brampton North.

**Mr Spina:** I thank the members for Kingston and The Islands, Hamilton Centre and Simcoe Centre for their comments. There were some interesting comments made by the member from Kingston, and the interesting thing is that he says there was a bill we brought forward four times and still didn't get it right. That's his opinion. That's his perspective. But you know something? I look at all the legislation that came out of the Liberal government for five years, and I don't think any of it was right. I think of the user taxes they charged on the public parking lots that they foisted on the municipalities, the employer health tax that I mentioned. What we are trying to achieve here is having all proposed bills vetted by the Red Tape Commission to ensure that we really don't have an increase in red tape and more regulations. It's not a perfect system, we're not there yet, member, but we're working on it. At least we feel that we are making the effort to move in the right direction.

The member for Hamilton Centre says that we're taxpayers and customers. Yes, we are customers of all the different systems that we participate in. But he asks, "Who is the customer when it comes to the environment?" It's you and me. It's Joe Public, John Q. Public, Susie Q. Public. We are the customers when it comes to the environment, and what we have to do is ensure that the industries are able to quickly and efficiently make changes

within their industries that are still environmentally safe for you and me, the public.

**The Speaker:** Further debate?

**Mr Sean G. Conway (Renfrew North):** I'm pleased, as always, to be here at night to listen to the debate. It got very lively earlier there a while ago.

The red tape bills, the Red Tape Commission — there's an awful lot here that sensible people would have to applaud, and I would say not for the first time. I know that every new intake, every new class, thinks it's doing things that no one has ever done before. Just about every government that I have been around for had its omnibus bill or bills to clean up or make consistent the myriad of legislation that had been passed in a previous time and that, for a variety of reasons, had fallen out of sync with current practice or with the reality of the day.

I think it was in our time in government that my old friend Ian Scott actually found that, 25 years after we had formally abolished capital punishment in Ontario, we actually had on the books the provision to pay a hangman. There would be many people in the current company who I'm sure would want to reinstate that, but the fact of the matter was that we had abolished capital punishment, I think, in the early 1960s in a campaign ably led by my old friend Arthur Maloney. But 25 years later there was still a mechanism on the books of the government of Ontario to pay, and I think we were in fact paying, a hangman. So it happens. That's why parliaments of —

**Mr Douglas B. Ford (Etobicoke-Humber):** They are a rare species.

**Mr Conway:** I think the member from Humber makes a point: They are a rare species. It's not a job for which all of us are qualified and it's not a job to which many of us would incline, rhetoric notwithstanding.

Yes, a lot of interesting stuff here. I can't think of a reason why we wouldn't want to repeal the Sheep and Wool Marketing Act. We repealed a while ago — were you here for the repeal of the warble fly act and the pregnant mares' urine? — I'm not making this stuff up. We do that all the time around here. Five or 10 years from now, a successor Legislature is going to do things that we did and they will look back a decade and say, "What were they thinking in the place in 1996 or 1997?"

**Mr Lessard:** You may be here to speak to that.

**Mr Conway:** I may be here to speak to it, yes. But I was listening the other night and I think the members who have a business background make a good point. It's no secret; I've not met a payroll of any major kind. But I was here the other night when the member from Humber made a very strong speech that, quite frankly, had a very real credibility as far as I'm concerned about the pressures and the problems that particularly small business people face today.

Some of my siblings, many of my constituents and some of my very close friends are engaged in the business of small business — it's not easy; I don't want to, for a moment, suggest it's easy — and nothing aggravates those people more than layer after layer of apparently incom-

prehensible, unintelligible and not particularly relevant government red tape.

Red tape is often in the eye of the beholder. I have to tell you when I'm winging my way eastward Thursday nights, often after midnight and under a full moon, and I encounter Her Majesty's constabulary on Highway 41 some place between Callander and Eganville, I make a pretty vigorous speech about red tape. But the officer's view is not necessarily my view. Red tape is sometimes in the eye of the beholder.

But there is no doubt that there is too much of a tangle out there, and we have an obligation, all of us, to help clean it up. It's not lost on me that a number of the initiatives contained in Bill 25 are, as my friends have observed earlier tonight, of the nature to allow for an increase in fees. That couldn't be clearer. I'm sure my friends have read the bill. There are scores of amendments here that have the effect of opening the door to additional fee increases. That in itself is not necessarily a bad thing. I think the fees should be adjusted from time to time.

I must say, as a member of some 23 years' standing and someone who spends some time dealing with constituents in rural eastern Ontario where, unlike Hamilton and London and Kitchener and Kingston, we don't have very many government offices, my impression is, both as a local member and certainly as a citizen living in the city of Pembroke in the county of Renfrew, there is no doubt in my mind that I'm paying more for less service. In fact, I'm surprised that more people aren't kicking the door of my office at Pembroke for the truly outrageous level of certain Ontario government services.

**2020**

I was the other day, for example, trying to just make a routine phone call into the department of which I was once the minister, the department of education. It was outrageous. I could just imagine phoning long distance from Salford in Oxford county or from Rolston in Renfrew county — and on my dime — to be put through that rigmarole. I'm glad Bill Saunderson's gone, because he was a bit offended by some of the rather colourful language of Christopherson earlier. I would be spitting not very nice language into the telephone if I could find somebody at the other end of it. That's just one small example.

*Interjection.*

**Mr Conway:** I'm sure my friend from Quinte has had his.

There certainly seems to me to be a fair bit of evidence out there that at the service level we have in many ways reduced access to public service paid for by the Ontario taxpayer, particularly in those places where you can't drive down to or walk into the regional office in a city like Kingston or London or Hamilton. That's most of the people I represent; it would certainly be most of the people the minister responsible for the treasury board would represent, and others here.

I repeat: I am surprised that more people don't come to my office door at 84 Isabella Street in the city of Pembroke and lambaste me for the kind of runaround and rigmarole they get, particularly with government of



Ontario voice mail. Mel Lastman never spoke a more eloquent truth than when he denounced voice mail up at North York city hall two years ago. On the basis of my own daily and weekly experience, I think the Ontario government has a lot to answer for with respect to not very user-friendly voice mail. That is just an observation I would make.

I was reading earlier tonight today's Wall Street Journal, and I was noticing an article that's reported in other of the American press today. Again I'm surprised that there has been not more discussion, and I suppose we as an opposition have been derelict to this extent. It says on the one hand, is there oversight or regulation that is too oppressive, too omnipresent? I think we've heard in the debate tonight — the member for Scarborough West was certainly eloquent in pinpointing a number of his concerns where he felt, and I think many would agree with him, that there's simply too much intrusion and too much tangle and too much red tape.

The question one might ask on the other side is, are there places in the jurisdiction of the Ontario government where we have important regulatory oversight and where we're not doing a very good job? If you read today's Wall Street Journal, there's quite a story here about the Ontario Securities Commission. What a laughingstock we are. They're talking about Bre-X, but you could talk about a half-dozen other cases. We look like some kind of Third World laughingstock down at the Ontario Securities Commission, and I've got to tell you, the Toronto Stock Exchange, for all its braggadocio, doesn't look much better. I don't expect them to be perfect, but you know, when you think about that Bre-X fraud and the number of people — yes, caveat emptor. It's gold mining stock and you've got to know what you're in for. But when you think about the scam that was perpetrated on investors in this country and across the world with that, and you say there are 200 people down at the securities commission?

I know hindsight's 20-20, but it's not the only one. I see there's another bunch with a connection to the Russian Mafia. The FBI seemed to know all about them, well before the OSC and the TSE. Now they're acting, of course. If I'm a citizen of Ontario and I'm an investor, I'm expecting that there's going to be reasonable oversight at the OSC and at the TSE. You know what, pals, I say to my friends down on Bay Street? You haven't done a very good job. Just as our friend Brown makes a strong case for too much red tape and too much tangle on the one side, I want to say to the assembly and particularly to the department of finance and those purebreds down at the OSC, you'd better clean up your act. You'd better show me.

My friend the elegant superannuate from Ontario Hydro days at Lanark-Renfrew looks incredulous.

**Mr Jordan:** What about Peterson's connection?

**Mr Conway:** I'm not here to excuse that. I saw that, and that's a fair point. That's a very fair point. He's not the only politician sitting on boards. I opened up the financial page of the Ottawa Citizen the other day and I saw a former Premier of Ontario and a former federal Minister

of Financial Institutions up there with Michael Cowpland. If I were, and I'm not, a shareholder at Corel, I'd have some pretty tough-worded questions for those people about some of the insider trading and other stuff that's been going on at Corel in recent months. Maybe there are answers.

My point here is about regulation. In today's Wall Street Journal, but there are other places where it has been reported, we don't look very good. I was here in the days when we had those unbelievable scams down at Crown Trust and Seaway Trust and Greymac. The Ontario taxpayer should have taken the whole lot of us out and court-martialled us from one end to the other. It was an absolute outrage, what was perpetrated on the taxpayer there. A complete raid in broad daylight by fast-buck artists, to use a very polite phrase, and a multimillion dollar cleanup bill sent to the farmers down in Hastings and the rest of the taxpayers in Ontario, and we paid it.

So the question remains. Do we have some obligations as legislators and as ministers to demand that in areas like this — and I would argue that the Ontario Securities Commission is a pretty important regulatory function — we improve the standard? Maybe there's not enough oversight there. To me it's clear that there wasn't. As I said a while ago, I don't expect perfection, but when I read that Bre-X story and I read about YBM, all I can think about is, you know the old referee in the professional wrestling match? He's distracted by some irrelevance in the upper deck while the good guy's eyes are being gouged out by the villain. That's the kind of image that's conjured up by some of these so-called regulators.

We're not talking nickels and dimes. The Bre-X fraud was a multibillion dollar fraud. We can't wait, most of us, to get in here and get up and talk about welfare reform: "There's some single mother up in Renfrew county who didn't report \$12.16 worth of income and we've got to get that." You know what? I suppose we do. I would just someday like to hear somebody stand up and say, if somebody scams investors to the tune of X billions of dollars, using perhaps not very legal means, maybe, just maybe, someday we might want to work ourselves into a bit of a lather about that. Because you know what? That is our statutory responsibility under the laws of Canada and of Ontario.

The member from wherever, Mr Spina —

**The Speaker:** The member for Brampton North.

**Mr Conway:** Thank you, Mr Speaker. The member for Brampton North was particularly exercised earlier tonight about those bad old days when it was all tax and spend, particularly the Liberals. Well, it's true. We did tax. I did my share of it and supported it. Looking back now, 10 years later, if I had some of it to do over again, I probably would do it a bit differently.

**Mr Lessard:** Would you spend now?

**Mr Conway:** Listen, we spent. All I remember was the lacerating criticism, "Not enough and not soon enough," and Mike Harris's famous line: "I want my share. Every last sou of that gravy train I want for North Bay-Nipissing." To good old Mike's credit, he got more of it

than some of the rest of us who were apparently in government at the time, and there wasn't a ribbon-cutting that he wasn't the first out to join.

The point in this connection, as we look at the so-called red tape bills, is that there are certainly very substantial revenue matters, as I indicated earlier. It is quite obvious to many in the community, particularly in places like consumer and commercial relations — I've had business people in my county, in my district, come to me and quite incredulously say, "I just spoke to somebody down at the Ministry of Consumer and Commercial Relations and they said they would come up and inspect certain aspects of this operation," which they said and I agreed ought to be inspected, "if we paid their way." I've had more than one of those.

I don't know how widespread it is, but I'll tell you, in Ottawa there are stories now almost every week about some of the funny stuff that's going on at Agriculture Canada and some of the food protection and veterinary protection branches. CBC Radio news has been running several of those stories. There's one running this week. It certainly does not give me, as a citizen of Canada, a very high comfort level that we are protecting the public interest, particularly in health matters, to the extent or in a way that the average citizen would expect.

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**Mr Jordan:** That's a federal issue.

**Mr Conway:** That is a federal issue, but the issues in this matter that were brought to my attention had to do with business people asking me, could it be possible that inspectors would only come the 250 miles up into Renfrew county if the business paid their way? I didn't ask too many questions and I don't want to embarrass anybody, but there was one case in particular which, on the basis of what was told to me, I would have expected to be a routine matter of inspection that would have been initiated by the government of Ontario and carried out by inspectors. The last thing I would have thought is that I as the business would be expected to pay the way of the inspector. You don't have to be very creative to begin to understand how those kinds of relationships could lead to some very questionable practices.

There was at least one of those cases — well, two. I don't want to make too much of them, but certainly it is my impression that in the Ministry of Consumer and Commercial Relations it is now just like a consultancy. You simply view that ministry as a technical consultant and you would hire them like you would Price Waterhouse or Coopers and Lybrand.

A subject for another day, by the way, is the extent to which we have privatized the public service of this province. I am amazed. Particularly in the health and social services sector, it is absolutely true that we have reduced the full-time equivalent staff in the government of Ontario.

But make no mistake about it. Price Waterhouse, Coopers and Lybrand, Ernst and Young — they are everywhere. I can't believe the number of meetings that I attend regionally now in eastern Ontario where somebody will tell me, "We had our meeting and Coopers and Lybrand

and/or Price Waterhouse and/or Ernst and Young was here on behalf of the Ontario government," carrying out functions that have historically been done by the in-house public service. Maybe that's not a bad thing, but one of the questions that presents itself to me is, I wonder what this is all costing. I have a feeling that at the end of the day the cost may not be as we might imagine.

A final observation has to do with the department of lands and forests; I guess we call it the Ministry of Natural Resources these days. In lands and forests there is a reference to the conservation authorities. My friends tell me that what we are doing here is establishing a very real combat as between the responsibilities of the local conservation authorities and the Ministry of Natural Resources over floodplain planning. It's just the view of some people I've spoken to, but if this red tape process is to reduce those border clashes, I'm told by sources that I would consider reliable that in terms of the Ministry of Natural Resources and the amendment to the Conservation Authorities Act in the area of floodplain control, we've now created more, not less, opportunity for border conflict.

With that, I will quietly and calmly conclude my remarks.

**The Speaker:** Questions and comments?

**Mr Lessard:** Once again the member from Renfrew has been very eloquent in his remarks with respect to the red tape bill, as he is with most other statutes that he speaks about. He really put some flesh on the definition of what red tape really means for himself and for this government. One of the interesting contexts he put that in was with respect to the Ontario Securities Commission.

If you were a big investor down on Bay Street or a large corporate enterprise you might look at what the Ontario Securities Commission does as a whole lot of red tape. But many small investors, those people who have their pension funds in mutual funds, for example, would be quite interested in ensuring that the Ontario Securities Commission is very vigilant in enforcing what might be referred to as red tape so people who find their investments in corporations like Bre-X, for example, don't find their entire savings placed in jeopardy. There are many times when what might be referred to as red tape is there for the protection of consumers and small investors as well.

He also talked about what the changes in this bill may result in with respect to user fees. There's a great deal of responsibility for imposing user fees being placed in the hands of ministers, and some of those areas involve user fees for inspections. I was quite interested in the fact that there was going to be a demand for the payment of transportation costs for persons who do those inspections. I know that where my wife works as an environmental health inspector at the Windsor-Essex county health unit, they're talking about imposing user fees on restaurants, for example, for inspecting restaurants. Those are the sorts of thing we're going to be seeing more of.

**Mrs Ross:** I always listen with interest to the member for Renfrew North, a member of 23 years' standing in this



Legislature. He brings with him a tremendous amount of knowledge, experience, background and history that I always find interesting. I can certainly learn a lot from him, so I always listen very carefully to what he has to say.

He said he agrees that from time to time we have to make some changes to legislation and regulations and rules to eliminate some of this because of obsolete bills — he talked about the Sheep and Wool Marketing Act — and because of the changes in technology that are taking place. We totally agree, and a lot of the changes in this bill respond to that very thing.

The Ministry of Consumer and Commercial Relations takes great pride in being one of those ministries that is very open to meeting with all the stakeholders involved in whatever field it is, whether it's real estate or the travel industry or the liquor licence, any stakeholders or concerned citizens who want to talk about certain pieces of legislation, and we do make changes based on some of those consultations. I'm very interested in hearing what he might have to say about what could be positive amendments to this bill that would address some of the issues he's talking about.

He commented that being in the business of small business is not easy, and he's absolutely right. As a small business owner prior to being elected, I can tell him it's tough. Small business owners put their lives on the line. They put everything they own into that business, and what they do is try to provide opportunities for themselves, for their families, and create jobs in the province. What we're trying to do is to help business by eliminating those pieces of red tape that are inconsequential and shouldn't be there.

**Mr Gerretsen:** I too always listen with great interest to anything the member for Renfrew North has to say, either in this chamber or elsewhere, because he has a tremendous amount of knowledge in a lot of different areas and certainly shares it freely and wisely with all of us. We really learn something from him in that regard.

One point he brought out was what happened with respect to the Bre-X stock exchange fiasco. Yes, we would all like to get rid of as much red tape as possible, but we also owe it to ourselves and the general public in Ontario to make sure that before we get rid of any rule or regulation, we find out why that rule or regulation was put there in the first place. There should always be the underlying question of making sure the public of Ontario is protected. I'm sure that the rules and regulations that have come into existence in all the various acts dealt with in Bill 25 were put there for a good reason. To merely get rid of them for expediency's sake isn't good enough.

We've heard tonight on a number of occasions about what's happened to our environment. The Environmental Commissioner has reported on it. I'm convinced that one of the reasons this is happening is that there simply aren't as many environmental officers out there doing their work for you and me, for the general public of Ontario, as there used to be.

It's good to cut a lot of this stuff out, but if the general public of Ontario suffers as a result, I don't think we're doing anybody a favour.

2040

**Mr Martin:** The member for Renfrew North makes some very important and telling points in his comments here this evening, one of them being the whole question of why we have regulation in the first place. I think it's important that people reflect on that as we move so expeditiously to reduce various and sundry pieces of regulation and red tape that over a number of years have been put in place for, I would suggest, some very legitimate reasons if one took the time to actually assess and analyse and understand the particular circumstance existing at the time that regulation or red tape was brought forward and applied. I think we ought to be really careful.

He also talked a bit about the double standard that has often seemed to permeate this place over the last three years. Certain groups of people are seen as bad or wrong or getting in the way of progress: unions, for example, government, the poor, anybody out there who finds himself caught up in one way or another with the criminal justice system. This government is using all these people or groups as a scapegoat or a straw person to make rather interesting political points.

On the issue of why we have regulation, it is important for people to think for a minute about why it is that over in Britain right now they have this very difficult challenge called mad cow disease. If you trace that back, you will find that it was a reduction in red tape and regulation around the whole question of the health of farms and farming operations that eventually led to the very troubling to the economy of Britain mad cow disease. I'd be careful and I urge caution.

**The Speaker:** Response, member for Renfrew North.

**Mr Conway:** I thank my colleagues for their kind remarks. There's one observation I would make. As someone said a moment ago — perhaps it was the member for Hamilton West — really, we must always keep first and foremost in mind the point: Why are we regulating? What is the point of the regulation?

One of the real issues that I see as a growing problem in the political culture that is now overwhelmingly suburban is that there's a part of this province that's rural and northern that more and more people just don't understand — haven't a clue. I represent a big slice of rural Ontario, and I find a greater difficulty just trying to explain to people in this chamber and elsewhere some of the reality in places like Calabogie and Khartum and Matawatchesan.

*Interjection.*

**Mr Conway:** Well, we all laugh. We make bloody fools of ourselves, as governments and legislatures, trying to legislate from an urban and suburban world into this rural and northern world, which looks at us and says: "What a pack of clowns you must be. What was the problem for which this was the solution?"

I don't have any easy answers, but I am increasingly concerned and disturbed, in a province as large as this, at the difficulty of all of us to legislate and regulate for a

reality that is so large, so important, so complex as rural and northern Ontario is and yet so completely foreign to the overwhelming majority of people in the province and country.

That, I think, is going to become more, not less, a problem. I'll tell you, we're going to find lots of politicians in this and succeeding parliaments who are going to be able to stand up and make government look like a regular ass with regulations that were clearly devised by and for people within the shadow of the CN Tower which, when applied to north Hastings, are going to look quite ridiculous.

**The Speaker:** Further debate?

**Mr Lessard:** It's a pleasure to be able to rise and participate in the debate with respect to Bill 25, An Act to reduce red tape by amending or repealing certain Acts and by enacting two new Acts.

At the outset I just want to say I agree that we as legislators need to do what we can to try to eliminate and reduce red tape, but in the brief time that I have to talk about this bill I want to talk a little bit about differences in interpretation between how I as an NDP member view things that are red tape and how this government, the Mike Harris government, looks at things they consider red tape and want to eliminate and what that really means for the public here in Ontario, what that means to consumers, what that means to small business people, what that means to people who are interested in protecting and enhancing our environment, and what it means to people who have to go to the hospital to try and get health care these days.

I want to start out by saying that what I consider to be red tape and what this government considers to be red tape are quite often two totally different things, because when we're considering regulation, when we're considering legislation, when we're considering what might be referred to as red tape, we really need to ask ourselves, what was the reason, what was the purpose for the regulations or legislation to be put in place in the first place? There must have been some good reason. There must have been some legitimate pressing need that needed to be addressed at the time these regulations were put into place in the first place, and before we just go about willy-nilly eliminating all regulations, we need to look at the context in which that is being done and the context in which those regulations were put in place in the first place.

I want to start out by talking about the environment. I made reference earlier on this evening — the member for Hamilton Centre referred to this as well — to the annual report from the Environmental Commissioner from 1997. This is a report that was introduced quite recently. It talked about this government's performance when it deals with the environment. She said in her report:

"Overall, environmental health continues to be a very low priority for the ministers of this province. Ministry business plans indicate that ministers are withdrawing from their environmental commitments.... I remind these ministers that a healthful environment is an important part of a healthy economy and a healthy society."

What she's saying is that even though there is environmental legislation and regulations on the books, this government really has a lousy record when it comes to enforcing them. When they're looking towards getting rid of some of those regulations, I ask myself, what impact is that going to have on environmental protection?

Some of the things that she goes on to talk about in her report are budget cuts. This government has gotten rid of a lot of people who traditionally had been providing inspection of the environment in the province, and Windsor of course was one of those areas that was really hard hit. On page 49 the commissioner says:

"But because of MOE budget cuts, this committee has become inactive" — that was the Windsor Air Quality Committee — "the Windsor MOE office has lost half its staff, and there appears to be no local action plan or target to improve Windsor air quality."

That's the result of this government's approach to environmental concerns, that the air quality in my community in the Windsor area is suffering. It's suffering because of cuts to the staff in the Ministry of Environment office in Windsor and the failure of this government to regulate, inspect and diligently enforce the laws we have in existence in Ontario.

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This is a government that in its haste to eliminate red tape is saying, "Our preferred option is voluntary self-compliance, self-regulation." What they're basically saying is that the foxes should be the ones guarding the hen house. Although I am very critical of the government's approach, because I just don't believe voluntary self-compliance works when it comes to the protection of the environment, I need to remind my Liberal colleagues that was a similar approach they had referred to in the red book in the election of 1995. They seemed to be moving towards voluntary self-compliance as well. I hope they realize that is really the wrong direction.

Bill 25 refers to some amendments with respect to the Ministry of Natural Resources. There are a couple of those that I would like to highlight with respect to my concerns about this government's elimination of red tape and how that's going to affect the environment.

One of the things they intend to do, and this is in schedule I, is going to give conservation authorities the ability to enter into agreements to allow for the exploration for and extraction of oil and gas reserves. It makes you wonder why conservation authorities are going to be given the ability to permit oil and gas exploration in areas that are near conservation authorities. Is this really the sort of role we expect conservation authorities to play? My view of a conservation authority is of a local body that really wants to do what it can to try and ensure the environment is protected.

Something else I found quite interesting in that same section, that is, in schedule I, is that it permits the authorities to make regulations applicable in areas under their jurisdiction to "restricting and regulating the use of water in or from streams, rivers, inland lakes, ponds, wetlands



and natural or artificially constructed depressions in rivers or streams."

It's interesting that this government would be giving conservation authorities the ability to pass regulations dealing with the use of water, because we saw a very troubling example recently with respect to the granting of a permit by the Ministry of the Environment to Nova Group in Sault Ste Marie to extract huge amounts of fresh water from Lake Superior to load it into a transport barge and cart it over to Asia. Thankfully, the Minister of Environment has finally seen the common sense of not permitting this to happen and has posted on the environmental register a notice to revoke that permit, but it really wasn't until this issue was highlighted by a congressman in northern Michigan and my colleagues. The environment critic, Marilyn Churley, and our leader, Howard Hampton, and I went down to Windsor to do a press conference on the Ambassador Bridge a few weeks ago to highlight the international significance of permitting a corporation to extract water from the Great Lakes to ship to Asia. That's something that never should have been permitted to happen.

It is because of this government's failure to have the people in place to be monitoring these sorts of things and their inability and their unwillingness to put in place laws that are going to protect the sovereignty of our fresh water here in the Great Lakes from being exported to Asia that something like this was permitted to happen.

We cannot permit future situations that will enable people to profit, and that's what they were going to do because this was water that they weren't going to have to pay for. They were just going to load it up into boats and ship it over to Asia and presumably make a profit in doing that. I'm sure they weren't going to get into it with the intention of losing money.

When this government talks about the elimination of red tape, I ask myself what that really means as far as protection of the environment is concerned, especially based on this government's less than exemplary record in that regard.

Another thing that is quite prevalent in Bill 25 is the authority being granted to ministers to impose user fees in areas that hadn't traditionally had those user fees. I recall when Mike Harris used to get up, when he was sitting over on this side of the Legislature, and say, "A user fee is a tax." He doesn't seem to be saying that any more. Apparently user fees are okay. They don't want to raise taxes, but raising user fees for services is something they don't have any problem with any longer.

One of the areas we're seeing quite a few user fees in is health care. I received a letter recently from persons who are on the Health System Labour Advisory Committee in the city of Windsor. That's a committee of the Windsor and District Labour Council. It was a letter that was signed by numerous prominent people in our community: Pierina DeBellis and Valerie Walter, who are the co-chairs of that committee; also people like Ray Drouillard, from the Service Employees International Union, and Ken Brown, who is the president of Service Employees, Local

210; Mike Longmoore, who is from the Windsor Health Coalition; and Gary Parent, who is the president of the Windsor and District Labour Council.

In that letter they talked about the incredible onslaught of user fees that have come into place with respect to health care since this government has been elected. Some of the things they talk about are user fees that are quite often imposed on seniors who need health care, everything from prescription drugs to casts for broken limbs. If any people have had experience in going to the hospital with a broken leg, for example, when you show up at emergency you're told: "You can have a plaster cast and there's no charge for that, but if you want a fibreglass cast it'll cost you about \$75. By the way, we don't have any plaster casts." So if you're in the hospital and you have a broken leg, you don't have much of a choice as to whether you're going to get a fibreglass cast or not.

There are fees being charged for booking things like cataract surgery. I got a call recently from a Paul Micallef from Windsor. He's a retiree. He had a cataract operation and had to pay user fees of \$185. That's not the sort of fee that we would have seen imposed before this government came into place. This is putting an incredible strain on hospital budgets and on the budgets of seniors who are on fixed incomes as well.

Also, recently the local community care access centre has notified many home care patients that they'll no longer provide incontinence supplies, skin care ointments, catheter or osteotomy supplies that are required to maintain them in appropriate conditions while they reside at their homes. These are seniors. In some cases, they've been getting these sorts of supplies for a decade or more. They're going to be expected to have to cover the costs of those supplies in the future. For persons who are on fixed incomes, those user fees are going to be substantial. They may not be able to pay those fees, and if they're not able to pay for those sorts of services, guess what? They're going to end up back in the hospital, the most expensive form of treatment that's available, when they should be in their homes.

I ask you whether, when we're debating giving ministers the ability to impose more user fees, we're not really penny wise and pound foolish. We're saying, "We can save a few bucks here," but if people end up in the hospital getting expensive care, is that really going to save us any money in the long run? I don't really think so.

But it does provide an opportunity for some people to make some extra money. I clipped this ad recently. It is from Ingram's Home Health Care Centre, who have an establishment on Giles Boulevard in Windsor, and it's got a picture of a gorilla. On the top it says, "Did you just get bad news from the Ministry of Health?" It's got the picture of the gorilla underneath it and it says, "If you've been notified that your medical supplies and equipment may be reduced, call us for help." So there are people who are going to be able to cash in on these user fees being imposed for services, these cuts being imposed by the Ministry of Health.

The people who are going to end up having to pay for those services, and who are going to improve the income of people like Ingram's or other companies that may be able to provide health care services, are most often the most vulnerable: seniors, people who are ill, people who are in the least likely position to be able to pay for it.

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That's what I'm concerned about when this government starts talking about cutting red tape and giving ministers the ability to impose user fees. I wonder what the impact is going to be on the delivery of health care services to the most vulnerable in our community.

This government talks a good line about the elimination of red tape, about how we need to make things smoother for business, about how we need to be able to create a climate where business wants to invest in our communities. They have really neglected a number of areas where they could have moved faster, where they should have been doing something when this Legislature wasn't sitting — I'm talking about March of this year when we weren't sitting and we should have been.

Municipalities like the city of Windsor were waiting for this government to get on with its tax assessment legislation and now find themselves, because the final assessment hasn't been delivered, in a position where they don't expect it's going to be available for a number of weeks because of the incompetence of this government. They find themselves in a situation where they're not going to be able to issue tax levy notices for payments that would have been due tomorrow. June 10 would have been the fourth instalment of property taxes in Windsor, but they don't even have the final assessment rolls in. They aren't able to issue those tax notices.

Because of that, capital projects have been delayed and budget deliberations and approvals have been delayed for six months. Because they're not going to be getting that tax income they expected, they're going to have to borrow the money to cover the costs of their day-to-day operations. They estimate that the cost of that is going to be \$484,000. You multiply that by communities throughout Ontario and that's going to come up to a substantial amount of money. It's going to cost the property taxpayers here in the province for this government's incompetence in dealing with its legislative agenda. They expect that each two-week delay subsequent to that is going to cost the city of Windsor \$272,000.

Who is it who is going to have to make up that loss because this government wasn't able to manage their agenda, when they should have been passing legislation like Bill 16? We're dealing with Bill 25 with respect to red tape and amending what they consider to be really inconsequential legislation. That's the sort of thing we should have been doing.

There's one final thing I want to mention. This is an article that I noticed in a magazine that's called *Out Front*. It's a publication from the Canadian Labour Congress. It talks about a publication and a poster they unveiled. It's called "Protecting Public Health Care from Private Greed." What they recognize is that funding cuts and

deregulation and corporate manoeuvring have undermined accountability, compromised health care and have really led to the privatization of health care and increased profit to the private sector.

**The Speaker:** Questions and comments?

**Mr Dan Newman (Scarborough Centre):** I'm pleased to respond to the member for Windsor-Riverside. I find it interesting that he now is interested in deficits and spending. He was here in 1990. He was part of the NDP government that hiked taxes 32 times and hiked the debt by \$50 billion. The net effect was a loss of 10,000 jobs in this province. He ought to be ashamed of himself for that.

I challenge him to come forward today with information with respect to our health care system. He said there were some incidents in his community. If he truly wants to solve the problem, he could have contacted the minister's office, or myself as the parliamentary assistant, to have that problem solved, if it indeed existed.

We're now spending \$18.5 billion on health care in this province. When his party was in office, \$17.4 billion was spent on health care. That's an increase of \$1.1 billion in health care spending in this province. That doesn't even take into account the over \$2-billion reduction from the federal Liberal government that has affected Ontario.

The member also referred to days when we should have been sitting. I should also remind him that in the last year of the Bob Rae government in 1995 they sat for a total of 19 days. Nineteen days: That's all they sat. I think in the last three weeks we've probably sat more than 19 sessional days in this House. That says something about our government over the Bob Rae government.

Just a reminder that the NDP government had 32 tax hikes, increased the debt of this province by \$50 billion and drove 10,000 jobs out of the province, and that's just not acceptable. We're bringing many bills forward, including bills that reduce red tape, that create a positive environment for jobs and investment in this province. I'm proud to be part of this government.

**Mr Gerretsen:** It's interesting how the member for Scarborough Centre talks about public debt in the province. Their own budget documents clearly indicate that over the last three years that party over there, the government party, the so-called business party, has gone from \$89 billion to \$115 billion; you've added something like \$16 billion.

*Interjections.*

**Mr Gerretsen:** Yes, they added \$50 billion and before that the Davis government added another \$40 billion.

*Interjections.*

**The Speaker:** We've got a quiet evening here. I think everyone has been given an opportunity to speak and debate. The member for Scarborough Centre, you've been given ample opportunity to state your case. I think we should just let the member for Kingston and The Islands maintain this quiet atmosphere.

**Mr Gerretsen:** Thank you. Just for the record, the total public debt of \$115 billion, all of it except for \$10 billion that was added during the Liberal years, was the result of your incompetence and their incompetence.



What I find very interesting about these red tape bills is that — you've got to remember this — they like to give you the impression that they are against red tape. What has happened to all of these red tape bills? The first batch was introduced on June 5, 1996, two years ago. Do you know how many of those have been passed into law so far? None. The second batch of red tape bills, nine of them, were introduced on February 1, 1997, almost a year and a half ago. Do you know how many of those have been passed into law? Two. Seven of them never went beyond first reading. As a matter of fact, seven of those bills are now contained in Bill 25. So don't give the public of Ontario this impression that you're so interested in cutting out red tape.

My question to you simply is, why did it take you so long to move on this? You introduced some of these bills more than two years ago. We didn't sit in January, February and March of this year. We could have sat during that period of time and passed them all. You are just as incompetent as the group that was there before you.

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**Mr Martin:** After that comment, I mean — anyway, I appreciate the opportunity to compliment my colleague from Windsor-Riverside for again, in the way he always does, contextualizing the piece of legislation we have in front of us and showing us where it has some shortcomings, and also pointing from time to time to where it might be helpful to the people of the province. In this instance, I think it's important that we look at this piece of legislation within the context of all the other pieces of legislation that have been rammed through this House over the last three years, all of it targeted to hurt most specifically certain groups of people and to assist others, and those others always seem to be the bigger corporate interests of this province, to give them more opportunity to come in and make ever more obscene profit — at the cost of what? At the cost of jobs and the interests of so many of the working class, middle-class people in this province.

This government doesn't seem to want to spend a whole lot of time asking why it is we have the kind of regulation and checks and balances that we have in this province, and why they were put in place in the first place. They don't seem to want to recognize that in many instances they apply a double standard when looking at what new initiatives they bring forward and present to the people of Ontario.

For example, I have been trying for the last two years to get this government to recognize that they need some regulation in the business of franchising. Big franchisers are forever hammering the life out of franchisees. If you want to do something, do something right.

**Mr Bart Maves (Niagara Falls):** Further commenting on the comments of the member for Windsor-Riverside, referring to the member for Scarborough Centre, the PA for health, I also would like to know which hospital it was that told the member for Windsor-Riverside that they wouldn't do plaster casts and would charge anyone who needed a cast \$75 for a fibreglass one, because I would

like the member for Scarborough Centre, the PA to the Minister of Health, to follow that up and check on it.

It reminds me of the time the Liberal critic for health, the member for York South, Mr Kennedy, did a little press conference, I believe it was at a Durham hospital, and told a bunch of stories about hospitals and services in those hospitals around Durham. He was thrown out of that hospital. He was written a letter that said, "Don't come back and tell your stories, because they're inaccurate." The St Catharines General Hospital also told him, "Those stories aren't true, and we would like you to cease and desist from telling those stories." I hope the member for Windsor-Riverside wasn't stooping to those low levels that the member for York South stooped to some time ago.

Also the member for Kingston and The Islands mentioned red tape bills, where were they and why didn't they come forward previous to this? The Liberals wouldn't let us bring them in earlier. They blocked them time and time again when we wanted to bring them in.

There was a point the member for Scarborough Centre brought up. I remember that from 1990 to 1995, every time the NDP brought in a tax increase, he used to hit the roof in this place, and now here the member is talking about being upset about seniors who may have an increase in some sort of fee. They jacked up taxes and fees more than any government in the history of Ontario, and now all of a sudden, he has a new-found sympathy for someone who may have to face something like that. I guess he's the new taxfighter in Ontario.

They also used to support the school boards that used to increase taxes and they want them to have that ability again. We took that away and won't let them do that to people on fixed incomes.

**Mr Gerretsen:** On a point of order, Mr Speaker: Maybe you could help me out. I believe that it's necessary to tell the truth in the House at all times.

**Interjection:** Absolutely.

**Mr Gerretsen:** It is necessary. Then I think —

**The Speaker:** No, member for Kingston and The Islands. We all tell the truth in this place as honourable members, and it's not for me to determine what is truth and what isn't. Therefore, you don't have a point of order.

**Mr Gerretsen:** I have another point of order then. I just want to set the record straight that the member for Niagara Falls was not at the House leaders' meetings, and the Liberal never, never indicated to the government that they wanted to block the red tape bill. As a matter of fact we encouraged the government to bring the bill forward, and the government House leader would not do so.

**Mr Bert Johnson (Perth):** It's garbage, that's what I call it. Get it right, garbage mouth. That's what I call it.

**Mr Gerretsen:** On a point of privilege, Mr Speaker, that has arisen out of the situation right here and now: Is it parliamentary for a member of this House to refer to another member as being a piece of garbage?

**Interjections.**

**Mr Gerretsen:** It is not?

**Interjection.**

**The Speaker:** Member for Perth.

**Mr Bert Johnson:** I want to apologize thoroughly. I withdraw the comments about calling the member for Kingston and The Islands a garbage mouth. I apologize and I withdraw it and I take it all back. I'm awfully sorry I even mentioned it. I want to get it straight that he's not garbage. I didn't say that.

**The Speaker:** I'll accept that. You've pretty much withdrawn. There can be no doubt about that.

**Mr Gerretsen:** Let me just say —

**The Speaker:** There's no more "Let me just say."

**Mr Gerretsen:** I accept the member's apology.

**The Speaker:** That's wonderful.

Response, member for Windsor-Riverside.

**Mr Lessard:** You can tell the hour is getting late when the quality of the debate deteriorates to the level it has.

I want to thank the member for Scarborough Centre for showing the interest he has with respect to the health care problems we're having in our community. I look forward to using that telephone number in his office to bring some of those problems to his attention so he can address those. We need all the help we can get in Windsor.

You talk a good line about the increased spending on health care in our community, but we're waiting for the minister to come down and make an announcement with respect to capital funding. The minister was supposed to be in Windsor this morning to make that announcement and didn't come. That has been postponed once again. We find that so often, that announcements are made but the money doesn't flow, or we're expecting announcements but they never get made, and the quality of our health care continues to deteriorate.

The member for Kingston and The Islands talked about how long it has taken for these bills finally to be introduced and to come back and to go through the process, and addressed this government's incompetence. If this government was so interested in reducing red tape and was really good business managers, these bills would have been taken care of a long time ago, but the fact is that they haven't.

The member for Sault Ste Marie talked about why we have those checks and balances, and we really do have to consider why we have regulations here. He also talked about the importance of having those balances and some of the other legislation that we should have in this province but don't. He mentioned one example. I'd like to bring up another, that is, the persons with disabilities act that we're still awaiting. We haven't seen that. Where's that? We should be bringing that forward.

2120

**The Speaker:** Further debate?

**Mr R. Gary Stewart (Peterborough):** It's my pleasure tonight to speak to Bill 25 in my capacity as a red tape commissioner. I believe that this act is long overdue, Bill 25 being An Act to reduce red tape by amending or repealing certain Acts and by enacting two new Acts. We must continue the ongoing effort to eliminate red tape, and this bill is part of the government's initiative. It is an initiative that was promised in the Common Sense Revo-

lution, and it's one more indication that promises made are promises kept.

This bill, as mentioned, repeals a number of acts. If you look at some of the acts it is repealing, they represent six different ministries. They represent regulations and acts that should not any longer exist.

One of the things in that Common Sense Revolution is the commitment of this government to break down barriers to economic growth and jobs creation. Any of us who have been in business, who have employed anybody, know that red tape does not create jobs.

Because we're on television tonight, I'm going to let the people know a little bit about what the Red Tape Commission is, which many people may not know much about. The Red Tape Commission is made up of 11 government members from various sections of this province, representing the urban, semi-urban and rural members of this great province, and it is chaired by Frank Sheehan, the MPP for Lincoln. Frank has been a long-time resident of that area, has been in business many years, and knows what red tape is all about. He knows, and we all know, as I've mentioned before, that one of the biggest barriers to job creation and economic growth was indeed red tape.

As my colleague from Brampton North mentioned, by definition, any government measure that negatively — and I want to emphasize the word "negatively" — affects Ontario's economic competitiveness by adding requirements, costs or delays to the normal activities of business and institutions is unnecessary red tape.

The member for Windsor-Riverside asked a question a little while ago about what red tape is. In my mind, any individual who sits in this House who has to ask that question has not been very observant of what has gone on in this province for the last number of years. Let me tell him and tell you what red tape is all about.

In an area of this province in 1986, a gentleman tried to get through a development of 150 lots. On October 6, 1997, he finally got the approvals. That is red tape. In the area where I come from, there is a development they have worked some six years to get through. They finally got it through about a year ago. Now they have to put it up for sale because they spent their money trying to fight red tape before they got the development through. A development was shut down in this province for three days a few weeks ago because the building official and the fire chief could not agree on where the meter should be in that particular building.

Those are some of the things we're concerned about. As some of you know, there are a couple of us working on a one-window approach to try and make it easier for everybody in business, for the person on the street who is trying to get a licence through or whatever, to make it easier for them. We've heard tonight about customer service, something that has not been thought about very much in government over the last number of years. We have to make sure customer service is a priority if we're going to turn this province around. Business doing business and creating jobs in Ontario is a must.



On the other hand, any regulations that do not protect health, safety and the environment — and we've heard all this gobbledegook from the opposition suggesting that we are not cognizant of the environment. One of the things we have said in this bill is that we will not compromise health, safety and the environment in this province. The sheer volume of unnecessary rules, regulations and government intervention — let me emphasize government intervention — has been half the problem. If governments at all levels would stay a little bit out of people's faces and out of their pockets, maybe we could turn this around a little more easily and a little better.

When it comes to filling out the forms for business, you heard tonight that now you can do it in 20 minutes; before, it took four or five weeks. The length of time to get it through government offices — and here we've got an individual who was mayor of Kingston. If that man did not know about red tape when he was in that capacity, then I'm sorry, he wasn't a very good mayor, because there's not a municipal politician in this province who does not know about red tape. They have constantly said: "Will the province and the feds get out of this thing? We will do it." The municipalities wanted this authority and we gave it to them, because gentlemen like him and many more of us in this room who were municipal politicians said, "We can do it."

Now, all of a sudden, because we're at the provincial government level, we don't think they can do it. We don't think they have the ability. That is what this fellow is saying. I can't believe it: "All these user fees they're going to put in." I suggest to you that I have a lot of confidence in the municipal politicians in this province. I was one of them. I had confidence when I was a member of that level of government, and I know I still have in all those folks.

**Mr Gerretsen:** So do I.

**Mr Stewart:** Then I suggest that you possibly give consideration to thinking about what you say before you do.

One of the things we want to do, as I said, is to prevent more red tape being created. We can't have that. We did

reduce the time to register a business. We've eliminated more than 1,000 unnecessary annual licences, permits and reports from the farm and food processing business. As my colleague mentioned, can you imagine 800 hours to learn to be a projectionist, but it only takes 400 to be a helicopter pilot? How ridiculous can you possibly be?

One of the things we've done in the Red Tape Commission is that we have listened to and we have learned from not only some of the bureaucrats who have been involved in making this regulation but, more important, from the stakeholders themselves. I want to give you a for instance. Recently, we had the people in to the Red Tape Commission who are involved in the you-brews and the you-wines. After two or three meetings, when we found out that they couldn't agree, we suggested to them: "You people have to live with regulation. Why in the name of goodness would you not go out of here, decide among yourselves what you can live with, what will help your businesses, and you do it? Be back to us in two weeks." Within a week and a half they were back with the regulations they want, the regulations they can live with, and none of it is red tape. That, I'm suggesting to you, is what this process we're doing is all about.

The stakeholders spent hours and hours. On the one-window approach, we had three days of 60 to 70 people there telling us the problems they have with red tape in their industries. They represented probably every business sector in the province. It's not always the "what" of the regulatory system that's the problem, but the "how": the paperwork, the enforcement, the overlap, the delay. That's what the problem is. We have to design a system and make sure it is well designed. That's what this bill is all about. We have to make sure it is customer-friendly, is acceptable and is indeed well designed.

On that note, Mr Speaker, I will let you take over till tomorrow.

**The Speaker:** Thank you, I appreciate that.

It's now 9:30 of the clock. This House stands adjourned until 1:30 of the clock tomorrow.

*The House adjourned at 2130.*

## ERRATUM

No.	Page	Column	Line	Should read:
22A	1163	1	23	I have here a letter written by Molly Mignacco, one of

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**Assemblée législative  
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Deuxième session, 36<sup>e</sup> législature

**Official Report  
of Debates  
(Hansard)**

**Journal  
des débats  
(Hansard)**

**Wednesday 10 June 1998**

**Mercredi 10 juin 1998**



**Speaker**  
Honourable Chris Stockwell

**Président**  
L'honorable Chris Stockwell

**Clerk**  
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## LEGISLATIVE ASSEMBLY OF ONTARIO

Wednesday 10 June 1998

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mercredi 10 juin 1998

*The House met at 1330.  
Prayers.*

### MEMBERS' STATEMENTS

#### PORTUGUESE COMMUNITY

**Mr Tony Ruprecht (Parkdale):** On behalf of our Liberal caucus, I rise for the purpose of recognizing an important event that dates back 418 years and has been celebrated as Portugal National Day since 1880.

The celebration of the national day of Portugal is special and unique in the pages of history. Unlike some dates that commemorate an important political event, such as the Declaration of Independence, or a war or some such thing, on this historic occasion we ask the people of Ontario to join us and all Canadians of Portuguese heritage in the remembrance of a great, world-renowned poet and writer, Luis de Camões. Although he passed away more than 400 years ago, Camões left a living legacy of meaningful poetry of immortal beauty that has not withered with age.

We're all cognizant, of course, and appreciative of the tremendous contributions that our Portuguese friends have made to the development and growth of our province and country, both in economic and cultural fields. Yet, as important as economic contributions are, the attention of Canada and Portugal today, especially of Portuguese children, is focused not on the prosperity and wealth that opportunities in Canada bring but on our democratic system of government, which allows the people in our society of Ontario to celebrate a national hero of their forefathers as a right.

To our Portuguese friends who are today in the gallery — Consul General Montenegro; the president of the alliance, Joe Eustacio; and a member of Parliament from Portugal, Lourdes Lara — I simply say, viva Portugal.

#### PLACE PROVIDENCE

**Mr Len Wood (Cochrane North):** Today I want to talk about community leadership and responsibility in bringing together the community leaders who were involved in the negotiations over Place Providence, a senior citizens' place in the town of Hearst.

A new agreement was put in place for Place Providence. The municipalities of Val Côté, Mattice and Hearst each agreed to contribute \$15,000 annually to the overall operation budget of \$155,000, to be administered by Notre-Dame Hospital. This is because of the cutbacks by this government that have been taking place.

It is indeed very good news for the communities involved, for the actual residents and their families.

I want to congratulate Mayor Jean-Marie Blier of Hearst, Paul Zorretto of Mattice-Val Côté, and Notre-Dame Hospital head Raymond Lafleur for all the initiative that has been shown.

I would hope that the provincial government would now play a leadership role as well and assist with grants and subsidies to the senior citizens who are going to be using that small home, which is only 12 beds and requires four nurses to maintain the place.

#### PORTUGUESE COMMUNITY

**Mr Carl DeFaria (Mississauga East):** It is my privilege to rise today to speak on the occasion of celebration of Portuguese heritage day.

I'd like to remind the House that I rise not only as the member for Mississauga East but also as a member who speaks today on behalf of over half a million people of Portuguese heritage living in Ontario, people who have made their homes and live in the ridings represented by each and every member of this House.

Statistics Canada ranks Portuguese as the fourth most predominant non-official language spoken in Canada, third in Toronto and third overall in Ontario.

This year the community is celebrating another successful year. This week's celebrations will include a parade through the streets of Toronto, Toronto's third-largest parade, and also a festival in Bellwoods park.

We had a reception today where we had a guest singer, Liz Rodrigues. I'd like to put on Hansard that the members of this House really enjoyed her performance here at Queen's Park.

#### HOSPITAL RESTRUCTURING

**Mr John C. Cleary (Cornwall):** On May 13 the government's Health Services Restructuring Commission recommended that Cornwall's acute care facilities be

consolidated at the Cornwall General Hospital, while the Hotel Dieu serve as a complex continuing care facility.

This recommendation ran contrary to the district health committee's proposal, and has sparked overwhelming concern from thousands of my constituents and the residents of SD&G. Area residents are saying that the recommendations will not result in real savings for our community or improve health care. Instead, they fear they will be forced to raise \$5 million for hospital renovations and expansions.

Earlier this week I presented a petition signed by almost 12,000 Cornwall area residents to the Legislative Assembly detailing concerns over the commission's recommendations, and at least two other petitions are being circulated and have been signed by approximately 40,000 residents.

I would also like to present to the House some of the hundreds of letters I received from residents who are concerned about the ruling and the effect it will have on patient care in our area.

Cornwall and area residents feel that health care, health services and even hospital volunteerism are being jeopardized. They ask the Minister of Health to listen to their concerns and not simply pass the buck on this very important issue.

#### PORTUGUESE COMMUNITY

**Mr Tony Silipo (Dovercourt):** I'm proud and happy to rise today to join with colleagues in recognizing Portugal National Day and to recognize the incredible festivities that have been going on here in Ontario and, I know, in Portugal, and in fact everywhere Portuguese or people of Portuguese descent live and work, because they have much to celebrate. We join in celebrating with them.

It is particularly noteworthy that Portugal National Day also celebrates the day of Camões, a Portuguese poet who himself was an immigrant, a traveller who in many works, but particularly in *The Lusiads*, dealt with the voyage to India of Portuguese explorer Vasco de Gama.

It's particularly appropriate that a people who have as their attributes hard work, a sense of family, a sense of commitment and a sense of doing better for themselves and their families also see fit to commemorate this important day by praising the poet Camões.

I want to pay tribute and say how privileged I am to count among many of my constituents a large Portuguese Canadian community, people who have come to this country, have literally helped to build this country and now are placed in all places of the community, whether it's in the professions, in the trades, in all spheres, and are contributing in a very real way to building the future that we want for ourselves and our children. Congratulations to them.

#### SENIORS' MONTH

**Mr Doug Galt (Northumberland):** I rise in the House today to indicate the importance of seniors' issues

and to promote the upcoming seniors' seminar to be held in Trenton.

The month of June is Seniors' Month, and to bring greater awareness of the issues that affect seniors I'm holding a seniors' seminar this Friday with my good friend the member for Quinte, Doug Rollins. Seniors from Northumberland and Quinte will have an opportunity to listen to speakers from the community who will be talking about telemarketing fraud, fire and road safety, long-term care and related health issues, the Internet, and the proper use of drugs and medication. Seniors in my riding have told me they want to be informed about the issues that affect them on a daily basis.

I'd like to recognize Mr and Mrs Jim Greavette, from Grafton, who will be watching today's proceedings from the members' gallery. Mr and Mrs Greavette have shown a great interest in seniors' issues in Northumberland and I'm pleased they could join us in the Legislature today.

Through our health care investments, our long-term-care announcements and our fair taxation policies, this government has demonstrated its commitment to seniors in this province.

I encourage all members in this House to do their part to celebrate and recognize the contributions that seniors have made in our communities.

1340

#### ELECTORAL REFORM

**Mr James J. Bradley (St Catharines):** The people of Ontario should know that if Governor Mike Harris gets his way, the Conservative Party will be able to buy the next election.

The rules governing Ontario elections will be rigged to heavily favour the party and the candidates with the most money, and these new election rules will be bulldozed through the Ontario Legislature by the huge Conservative majority on orders from Mike Harris.

Massive increases in election campaign spending, dramatic increases in the amount of money that corporations and individuals may contribute to political parties and candidates, the exemption of major campaign activities from any spending limits at all, and the elimination of the financial watchdog, the Commission on Election Finances, will ensure that the deck is stacked in favour of the party and the candidates who tailor their policies, legislation and regulations to the wishes of the very wealthy and the most powerful elements in our province.

The influence of big-money interests will be paramount in Mike Harris's Ontario, just as it is in American politics where examples of election contributions buying influence and purchasing power are so numerous.

Mike Harris Conservatives are not satisfied to abuse their power by using taxpayers' dollars to send blatantly partisan propaganda pamphlets to all Ontario households, as they have in recent weeks; now they want to ensure that big money will be king in the Ontario election process.

All who value fairness in the democratic system should demand that Governor Mike Harris withdraw this out-



rageous piece of legislation in the interests of our fragile democracy.

### PORTUGUESE COMMUNITY

**Mr Rosario Marchese (Fort York):** Like my colleague from Dovercourt, I rise today to recognize June 10 as Portugal National Day —

*Interjections.*

**The Speaker (Hon Chris Stockwell):** Order. It's members' statements now. It's for members. I want to be able to hear them.

*Interjections.*

**The Speaker:** Members for Etobicoke-Humber and St Catharines, come to order. Thank you. Member for Fort York.

**Mr Marchese:** Today we celebrate the richness and beauty of Portuguese history, tradition and culture. On this day the 500,000 members of the Ontario Portuguese-Canadian community join together to commemorate the vibrancy and diversity of one of the largest linguistic communities of Ontario.

This year the Portuguese community celebrated the 50th anniversary of the Portuguese-Brazilian studies program at the University of Toronto. To commemorate this momentous occasion, the Portuguese community honoured one of Portugal's past presidents. Hailed by many as a liberator, Mario Soares was conferred an honorary degree by the University of Toronto.

In recognizing the value of Portuguese language education, I also stand to recognize the contribution of the outstanding leadership taken by many Portuguese-Canadian youth. This year also saw the birth of two new youth groups in the Portuguese community. Vox Nova is a group aimed at giving voice to and creating an identity for Luso-Canadian youth. The Luso Cantuna is a Portuguese folklore youth music group. It had its inception on March 14 of this year, at the conclusion of the University of Toronto's Portuguese Students Association cultural week and is the first of its kind in Canada.

The efforts of youth are truly exemplary and worthy of acclaim, for it is the youth who show us that when working together, we're able to cultivate and nourish the vibrancy of Portuguese-Canadian culture for generations to come. In celebration of Portugal National Day, we hear the voices of youth who enliven the future of their community by preserving their past.

### RITSON PUBLIC SCHOOL

**Mr Jerry J. Ouellette (Oshawa):** I proudly rise today to congratulate Oshawa's Ritson Public School on its 75th birthday. Tomorrow the school will officially celebrate its 75th year with faculty, staff, students, parents, alumni and members of the community.

In Oshawa's earliest days, the people of Oshawa realized the importance of education in the life of our community. Oshawa has experienced consistent growth since the time it was first settled. In 1923, with the coming

to Oshawa of General Motors of Canada, our community faced a growing need for educational facilities.

Opening its doors in 1923 to 350 students, the new school was named after one of Oshawa's earliest educators and prominent citizens, John Ritson. John Ritson was the first teacher of a local area school built in 1812 and a Sunday school superintendent. Now, 75 years after it opened, John Ritson's dedication and commitment to the education of Oshawa's youth continue today in the school of his namesake.

Many great students, including my mother and her sisters, have benefited from the education that they received at Ritson Public School. The school's faculty, staff and parents continue to offer high-quality educational opportunities and innovative programs for our students.

I would like to congratulate the principal, David Black, and vice-principal, Frank Cowan, as well as the faculty and staff, for continuing the tradition of commitment to quality education. I call upon this assembly to congratulate the Ritson Public School on its 75th anniversary and invite all alumni to contact and attend tomorrow's celebration.

As well, on this day, Portuguese heritage day, I would like to thank all my Portuguese friends from Oshawa and I would like to say, "Obrigado."

## REPORTS BY COMMITTEES

### STANDING COMMITTEE ON REGULATIONS AND PRIVATE BILLS

**Mr Dave Boushy (Sarnia):** I beg leave to present a report from the standing committee on regulations and private bills and move its adoption.

**Clerk at the Table (Ms Lisa Freedman):** Your committee begs to report the following bill without amendment:

Bill Pr15, An Act respecting the Corporation of the City of Kitchener.

**The Speaker (Hon Chris Stockwell):** Shall the report be received and adopted?

All those in favour, please say "aye."

All those opposed, please say "nay."

In my opinion, the ayes have it.

I declare the report adopted.

### STANDING COMMITTEE ON GOVERNMENT AGENCIES

**The Speaker (Hon Chris Stockwell):** I beg leave to inform the House that today the Clerk received the third report of the standing committee on government agencies.

Pursuant to standing order 105(g)9, the report is deemed to be adopted by the House.

## INTRODUCTION OF BILLS

## CONDOMINIUM ACT, 1998

## LOI DE 1998

## SUR LES CONDOMINIUMS

Mr Tsubouchi moved first reading of the following bill:

Bill 38, An Act to revise the law relating to condominium corporations, to amend the Ontario New Home Warranties Plan Act and to make other related amendments / Projet de loi 38, Loi révisant des lois en ce qui concerne les associations condominiales, modifiant la Loi sur le régime de garanties des logements neufs de l'Ontario et apportant d'autres modifications connexes.

**The Speaker (Hon Chris Stockwell):** Is it the pleasure of the House that the motion carry?

All those in favour, please say "aye."

All those opposed, please say "nay."

In my opinion, the ayes have it.

Call in the members. This will be a five-minute bell.

*The division bells rang from 1348 to 1353.*

**The Speaker:** All those in favour, please rise one at a time and be recognized by the Clerk.

## Ayes

Agostino, Dominic	Guzzo, Garry J.	Parker, John L.
Barrett, Toby	Hardeman, Ernie	Patten, Richard
Bartolucci, Rick	Harnick, Charles	Phillips, Gerry
Bassett, Isabel	Hastings, John	Preston, Peter
Beaubien, Marcel	Hodgson, Chris	Pupatello, Sandra
Boushy, Dave	Jackson, Cameron	Ramsay, David
Bradley, James J.	Johnson, Bert	Rollins, E.J. Douglas
Brown, Jim	Johnson, David	Runciman, Robert W.
Christopherson, David	Jordan, W. Leo	Ruprecht, Tony
Chudleigh, Ted	Kells, Morley	Sampson, Rob
Churley, Marilyn	Klees, Frank	Saunderson, William
Cleary, John C.	Kormos, Peter	Shea, Derwyn
Clement, Tony	Kwinter, Monte	Sheehan, Frank
Cullen, Alex	Lalonde, Jean-Marc	Silipo, Tony
Cunningham, Dianne	Lankin, Frances	Skarica, Toni
Curling, Alvin	Leach, Al	Smith, Bruce
Danford, Harry	Leadston, Gary L.	Snobelen, John
DeFaria, Carl	Lessard, Wayne	Spina, Joseph
Doyle, Ed	Marchese, Rosario	Sterling, Norman W.
Ecker, Janet	Marland, Margaret	Tilson, David
Fisher, Barbara	Martel, Shelley	Tsubouchi, David H.
Flaherty, Jim	Martin, Tony	Turnbull, David
Ford, Douglas B.	Martiniuk, Gerry	Villeneuve, Noble
Fox, Gary	McLeod, Lyn	Wettlaufer, Wayne
Froese, Tom	Morin, Gilles E.	Wildman, Bud
Galt, Doug	Munro, Julia	Wilson, Jim
Greetsen, John	Murdoch, Bill	Witmer, Elizabeth
Grandmaître, Bernard	Newman, Dan	Wood, Bob
Gravelle, Michael	O'Toole, John	Wood, Len
Grimmett, Bill	Ouellette, Jerry J.	

**Clerk of the House (Mr Claude L. DesRosiers):** The ayes are 89; the nays are 0.

**The Speaker:** I declare the motion carried. Mr Tsubouchi?

**Hon David H. Tsubouchi (Minister of Consumer and Commercial Relations):** Very briefly, the bill was really conceived through a lot of consultation with consumers, condominium owners, the condominium man-

agement group and the development industry. I would like to take this opportunity to thank Minister Norm Sterling, who started the process, also Minister Jim Flaherty, who was in charge of the consultations, and last, my parliamentary assistant, Lillian Ross, who assisted in the process as well.

ACCESS TO ADOPTION INFORMATION  
STATUTE LAW AMENDMENT ACT, 1998LOI DE 1998 MODIFIANT DES LOIS  
EN CE QUI CONCERNE  
L'ACCÈS AUX RENSEIGNEMENTS  
EN MATIÈRE D'ADOPTION

Mr Cullen moved first reading of the following bill:

Bill 39, An Act to amend the Vital Statistics Act and the Child and Family Services Act to provide Access to Adoption Information / Projet de loi 39, Loi modifiant la Loi sur les statistiques de l'état civil et la Loi sur les services à l'enfance et à la famille de façon à fournir l'accès aux renseignements en matière d'adoption.

**The Speaker (Hon Chris Stockwell):** Is it the pleasure of the House that the motion carry? Carried.

**Mr Alex Cullen (Ottawa West):** This act would allow access to birth registration and adoption records for adult adoptees, birth parents, adoptive parents and other relatives, while implementing a no-contact notice option to protect the privacy of those who wish it. It provides optional counselling, offers access to other information and acknowledges open adoptions. I would like at this time to thank the representatives from the Adoption Reform Coalition of Ontario who are in the gallery today and the member for Sault Ste Marie, whose bill provided me with the model for this piece of legislation.

MUNICIPAL AMENDMENT ACT  
(HAMILTON-WENTWORTH  
RESTRUCTURING), 1998LOI DE 1998 MODIFIANT LA LOI  
SUR LES MUNICIPALITÉS  
(RESTRUCTURATION DE  
HAMILTON-WENTWORTH)

Mr Agostino moved first reading of the following bill:

Bill 40, An Act to amend the Municipal Act to permit a restructuring of the Regional Municipality of Hamilton-Wentworth / Projet de loi 40, Loi modifiant la Loi sur les municipalités pour permettre une restructuration de la municipalité régionale de Hamilton-Wentworth.

**The Speaker (Hon Chris Stockwell):** Is it the pleasure of the House that the motion carry?

All those in favour, please say "aye."

All those opposed, please say "nay."

In my opinion, the nays have it.

Call in the members. It will be a five-minute bell.

*The division bells rang from 1400 to 1405.*



**The Speaker:** All those in favour please rise one at a time and be recognized by the Clerk.

## ORAL QUESTIONS

### ELECTORAL REFORM

#### Ayes

Agostino, Dominic  
Barrett, Toby  
Bartolucci, Rick  
Bassett, Isabel  
Beaubien, Marcel  
Bisson, Gilles  
Boushy, Dave  
Brown, Jim  
Carroll, Jack  
Castrilli, Annamarie  
Christopherson, David  
Chudleigh, Ted  
Cleary, John C.  
Clement, Tony  
Cullen, Alex  
Cunningham, Dianne  
Curling, Alvin  
Danford, Harry  
DeFaria, Carl  
Ecker, Janet  
Fisher, Barbara  
Flaherty, Jim  
Ford, Douglas B.  
Froese, Tom  
Galt, Doug  
Grandmaitre, Bernard

Gravelle, Michael  
Grimmett, Bill  
Guzzo, Garry J.  
Hardeman, Ernie  
Harrick, Charles  
Hodgson, Chris  
Jackson, Cameron  
Johnson, Bert  
Johnson, David  
Jordan, W. Leo  
Kennedy, Gerard  
Klees, Frank  
Kormos, Peter  
Lalonde, Jean-Marc  
Leach, Al  
Leadston, Gary L.  
Lessard, Wayne  
Marland, Margaret  
Martel, Shelley  
Martiniuk, Gerry  
McLeod, Lyn  
Morin, Gilles E.  
Munro, Julia  
Newman, Dan  
O'Toole, John

Ouellette, Jerry J.  
Parker, John L.  
Patten, Richard  
Pouliot, Gilles  
Ramsay, David  
Rollins, E.J. Douglas  
Runciman, Robert W.  
Sampson, Rob  
Saunderson, William  
Shea, Derwyn  
Sheehan, Frank  
Silipo, Tony  
Smith, Bruce  
Snobelen, John  
Spina, Joseph  
Sterling, Norman W.  
Tilson, David  
Tsubouchi, David H.  
Turnbull, David  
Villeneuve, Noble  
Wettlaufer, Wayne  
Wildman, Bud  
Wilson, Jim  
Witmer, Elizabeth  
Wood, Bob  
Wood, Len

#### Nays

Doyle, Ed

Skarica, Toni

**Clerk of the House (Mr Claude L. DesRosiers):** The ayes are 78; the nays are 2.

**The Speaker:** I declare the motion carried.

**Mr Dominic Agostino (Hamilton East):** Briefly, what this bill would do is give the opportunity for the minister to appoint a mediator for a three-month period to sit down with the local councils to try to find a reasonable, accepted solution that the councils can buy into in regard to restructuring. Failing that, this bill would then give the option for the appointment of an arbitrator who would come in and recommend a solution to the restructuring situation in Hamilton-Wentworth.

This is imperative for the survival of the region, it is imperative for our tax base, it is imperative for the government to get on with it to ensure that we have restructuring in place to help the taxpayers of Hamilton-Wentworth.

#### VISITOR

**The Speaker (Hon Chris Stockwell):** I would like to inform the members that we have in the Speaker's gallery today Mr Konstantine Dorakovski, acting consul general of the Republic of Macedonia. Welcome.

#### Mr Dalton McGuinty (Leader of the Opposition):

My question is for the Chair of Management Board. Yesterday, once again your government displayed its lack of respect for democracy and the institution in which we enjoy the privilege of rendering service. Yesterday you moved to give fund-raisers and backroom pollsters still more influence on the outcome of an election. Your unilateral, one-sided changes to the Election Finances Act threaten to Americanize our political system. You may not understand this, but democracy is a fragile thing. It might be something that you take for granted on that side of the House, but it's not something we take for granted on this side.

Minister, do you understand that for democracy to work, there has to be a level playing field for all the players? Don't you understand that basic tenet of democracy?

**Hon Chris Hodgson (Chair of the Management Board of Cabinet, Minister of Northern Development and Mines):** The Leader of the Opposition is correct. These changes do create a level playing field; all parties will be subject to the same rules. I realize it's a difficult issue. This legislative chamber has been grappling with this issue since 1991. There was the ad hoc commission set up. There was the selection of the Commission on Election Finances, which made recommendations and had representatives from each of the parties, whose chair was Jack Murray. They deliberated on this for a number of years. We also had the chief electoral officer make recommendations.

I tried to get a consensus with your party as recently as a week ago, and your party refused to negotiate other than if you got your way and our caucus wouldn't have any input. We would have liked to have an agreement. What we've done we think is fair, and we've taken your recommendation on the spending limits.

**Mr McGuinty:** You should have at least paid attention to the recommendations of the election finances commission. For one thing, they did not recommend their very own demise. Second, when it came to spending limits for parties, their recommendation was no change. I quote: "Spending limits for parties — unchanged." That was their recommendation, and what did you do on that front? You decided, unilaterally and arbitrarily, to increase those limits by 50%. That's \$1.35 million extra. On top of that \$1.35 million, you've excluded all the spending on polling, research and the leader's tour and travel. There are no limits whatsoever of any kind on those areas. Last year alone, your party, the Progressive Conservative Party, spent over \$609,000 on polling and \$352,000 on travel, and that's not even in an election year.

My question is this: Given that the election finances commission recommended that there be no change, and understanding that this kind of change is one that benefits

the Mike Harris government only, how can you defend this change?

**Hon Mr Hodgson:** The facts are that there was a need to update and modernize the election finances and the Election Finances Act itself. That has been recognized in this House. It was written to the Speaker by Jack Murray, the chair of the commission, and it said, "If you're going to make these changes, do it in lots of time so that people who are involved in elections have plenty of time to prepare, all parties know the rules and there is a level playing field."

In regard to your question about the election commission, what it recommended was \$1.40 per elector per riding. You went out and had a photo op saying that was a seat sale, that that was totally unacceptable. You disagreed with your own party's representatives on the commission. You said: "I don't know. They didn't consult with me." Even though your party put forward two, and the NDP had two — you had five voting members on a seven-member committee.

But you did say publicly: "Look, you've reduced the number of seats to the federal limit. What's wrong with the federal spending limits?" That's what we've done.

**Mr McGuinty:** My advice to the people of the province is to be very wary when it comes to the government spin on this issue. Here are some of the facts:

You are increasing the spending limits for the central party from \$2.7 million to over \$4 million. That's \$800,000 higher than the federal spending limit. Just for a minute, let's take a look at the minister's own riding, Victoria-Haliburton. Under the current rules, a candidate in the new riding would be allowed to spend \$53,000. Under the federal rules, the limit would be \$67,000. Under your legislation, the limit will be \$75,000, and that is \$75,000 for a campaign that is nine days shorter than the federal campaign. You say you have adopted the federal rules; the fact of the matter is you haven't. Why don't you just admit that these changes have been made, not in the public interest but to benefit the Mike Harris government?

**Hon Mr Hodgson:** We have a party that goes out and publicly says that it wants the federal spending. That works out to 96 cents a voter. That's what we've done. We've taken your recommendations, as you wouldn't sit and do the hard work of negotiating with it. You wanted to play politics with this issue.

The guidelines that presently exist exempt tour and polling. Those are the present rules. That was put into the report that came from the commission as an appendix.

I think we all want to have fair rules. We, as a government, have to be responsible like governments in British Columbia, Saskatchewan and other provinces that have been unable in recent years to get all-party consensus on contentious issues. But I want to reiterate that we're modernizing the rules. There is a savings here of up to \$15 million to the taxpayers of this province. This has been studied for years. Your party had representatives on that and the NDP had representatives on it. We're trying to do the proper thing.

## LOBBYIST REGISTRATION

**Mr Dalton McGuinty (Leader of the Opposition):** I have a question for the same minister. You want to change the election rules to put more emphasis on money and on outside paid professionals. You have done more to bring these paid professionals — private consultants, private pollsters, private lobbyists — into the government than any other government in the history of this province. We're seeing more and more problems in your government with issues like conflict of interest, and we're about to see more of them.

I have a very simple question for you. Can you tell me right now how many firms are paying Leslie Noble and Bill King to lobby your government? Can you tell me who those firms are and which ministers they are presently lobbying?

1420

**Hon Chris Hodgson (Chair of the Management Board of Cabinet, Minister of Northern Development and Mines):** I can take the specifics under advisement, but I can tell you that this government has changed the accounting rules to make it so it's more accountable to taxpayers. We've brought in conflict-of-interest guidelines that far surpass anything that has existed in Ontario in the last 10 years and we'll put our record up against when your party was in government any time.

**Mr McGuinty:** I should be able to get that kind of information instantly and you promised to us, you made a specific promise, that you would do that.

Let's take a look at the budget speech delivered back on May 7, 1996. I'm just going to quote a part of it. It says, "We will also establish procedures to require the registration of all persons and firms who lobby the government" — two years ago.

April 23, 1997, here's a release: "Lobbying is part of the process of government," Mr Johnson said. "A public record of lobbyists will ensure that this process is kept open and transparent." Johnson was right then and he's right now. Where is the legislation? We should be able to have access to that kind of information instantly.

**Hon Mr Hodgson:** Neither the Liberals nor the NDP had any —

*Interjections.*

**The Speaker (Hon Chris Stockwell):** Order. Minister.

**Hon Mr Hodgson:** Thank you very much, Mr Speaker. As my predecessor promised, we will have legislation. We intend to do that at the earliest opportunity. I might add that your party has had nothing. We recognize the need for it. I know this is a current topic at the federal level these days and the federal Liberals are running into those problems as well. What we have promised is a committed openness and integrity in the relationship with the public and we intend to bring forward legislation to fulfil that commitment.

I want to point out to the member, though, that the new Election Act prohibits donations from charities. I know that was in regard to the Patti Starr affair, and what we've



done is make that permanent in the guidelines. That was the recommendation of the commission, to prohibit that kind of contribution. Now that will be enshrined in legislation.

**Mr McGuinty:** It's important for people to understand the pattern that is emerging here. We've got a government here that is bent on changing the election rules to allow the greater influence of money in the outcome of an election. We have had conflict-of-interest issues raised in this House time after time, and we can't get access to the information we need because we don't have on the books of this province a law which compels lobbyists, people who are paid to influence government, to register themselves, to tell us whom they're working for and to tell us whom they're lobbying.

This government once again has promised explicitly to bring into effect a law that requires lobbyists, people who are paid to influence them, to register themselves so we know who they are, whom they're working for and whom they're lobbying.

My question to you is, when are you going to bring this in? You've broken that promise. We expect you to deliver on it. Why couldn't you introduce that law today?

**Hon Mr Hodgson:** I agree with the Leader of the Opposition. We need that type of legislation to protect the public's and lobbyists' interests and I know his party will be fully supportive, as they are of other measures that help improve accountability and openness and savings to the taxpayers.

He mentions the election reform act. His own members recommended this. I have a letter from one of his party caucus that outlines the Liberal position. It said they wanted the federal spending. The commission recommended \$1.40, the federal spending average is 96 cents, and that's what we've taken. It's your position and now you're criticizing that.

### ELECTORAL REFORM

**Mr Tony Silipo (Dovercourt):** I have a question to the Chair of Management Board. My question is about you and your big-money friends buying up this province. Your gutting of the Election Finances Act serves you and it serves your big-money friends, but it certainly doesn't serve the public. Voters aren't asking for this. They aren't sending in petitions saying they need to hear more political ads from the Conservative Party. They aren't saying that powerful interest groups should have even more influence because they're the only ones who can afford to fund big campaigns. Can you name one person, one member of the general public, who asked you to double the amount that political parties can spend on campaigns?

**Hon Chris Hodgson (Chair of the Management Board of Cabinet, Minister of Northern Development and Mines):** The commission recommended \$1.40 per riding and 40 cents for the party. That's \$1.80 in total. Our recommendations come in at \$1.56, so it's less than what your two appointees plus the chair, who was a past-president of the NDP, recommended.

**Mr Silipo:** It's pretty obvious to us and I think to the general public that if you soak the airwaves with your political ads, you gain a tremendous advantage. That's what this bill is all about. We know that and you know that.

I have here a CD that has a song in it which I think would be quite appropriate as your election theme song. It's called "Money," and as the song goes, it says: "Grab the cash with both hands and make a stash." That's what this is about. That's what this bill is about and that's what your actions are about, because in Mike Harris's Ontario, money talks. Minister, tell me this: Who else does jacking up the spending limits help, other than you and your big-money friends in Ontario?

**Hon Mr Hodgson:** Your party appointed two representatives on the election finances commission and the chair of that seven-man voting commission was Jack Murray. Are you saying he is not a member of the public? They recommended \$1.40 per riding and 40 cents for the party. The Liberals said they would support the federal, which is 96 cents on average, and the riding is 60 cents. I think if you add those two totals up, we come in far below what Jack Murray and the election commission recommended.

**Mr Silipo:** Minister, you know better than anybody else in this House that your bill more than doubles the amount that campaigns can spend each day of the election. It more than doubles it. That's because of your change to the central campaign spending limit and your shortening of the campaign period. You've got to look at those issues too, and not keep going back to the commission.

If you want to keep going back to the commission you should also tell us here very clearly what you know and what we all know, that neither of those two things I've just mentioned were in fact voted on by the commission. If you want to rely on the commission, rely also on what they didn't recommend and you're putting in this legislation, because those things, rather than being an invention of the commission, we know are an invention of the whiz kids in the Premier's office. They know that only the Conservatives can play in that kind of financial league.

I just want to ask you this in conclusion. Under the existing rules, you can already spend \$2.6 million. So tell us, Minister, why can't you get by in an election campaign with \$2.6 million? Why do you need to change the rules to more than double that spending limit?

**Hon Mr Hodgson:** I think the NDP recognizes — they recognized this when they were in government — that the Election Finances Act and the Election Act hadn't been changed for 12 years. They've recognized that there is the report sent down from the election finances commission, which had representatives of your party and all parties, and the chief election officer.

The election finances commission's report had an appendix which outlined the exclusions and the included portions in campaign spending. Since 1996, the rules are that the polling and tour are excluded. We are putting that into legislation so that everyone knows the rules and

knows what is expected and that it's an even playing field for everyone concerned.

I am not sure why he talks about the shorter writ. Yesterday, your leader insisted that was the end of democracy. I just want to remind the member that in Great Britain where our traditions come from, the minimum period for a writ is 16 days and the maximum is 25 days. We are proposing that the minimum be 28 days like other provinces in Canada.

**The Speaker (Hon Chris Stockwell):** New question, third party, the member for Dovercourt.

**Mr Silipo:** It's sad enough to see what the government is doing in the election finances area, but it's unfortunately —

**The Speaker:** I'm on a new question now, so I need to know who it's going to.

**Mr Silipo:** To Management Board, Speaker, sorry.

**The Speaker:** Thank you.

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### LOBBYIST REGISTRATION

**Mr Tony Silipo (Dovercourt):** What we see here is that there is a pattern emerging and the pattern is that all your actions are about your big-money friends buying up Ontario. It's becoming very clear, Minister. We've seen it in the casino scandal and the election finances changes we've just been talking about. Even when the government puts in place a supposedly independent process, what really counts, it seems, is which Conservative insider you know or how much money you pay to whom.

Here's what Dave Johnson, the then Chair of Management Board, said on April 23, 1997, when your government was already under attack for conflict of interest on the casino deals: "We are moving to become the first Canadian province to enact a lobbyist registration law. If the legislation is passed as planned in the fall" — "in the fall" he said then — "this public registry will include a list of all people and firms who are paid to lobby the government. This will allow taxpayers to have open access to information about companies and individuals seeking to influence government decision-making."

If only that were true, Minister. If only you had kept your promise, the stench of payola that surrounds the government's casino dealings would be right out in the open. Instead, what we have is this continuing tide. When are you —

**The Speaker (Hon Chris Stockwell):** Thank you, Minister.

**Hon Chris Hodgson (Chair of the Management Board of Cabinet, Minister of Northern Development and Mines):** The member of the third party brings up the allegations that were made in the Toronto Star and also by the opposition about the involvement of Michael French.

I've requested the Ontario Casino Corp and its lawyers to review the process undertaken in the selection process, specifically to determine whether the strict conflict-of-interest rules that were mandatory were complied with. I've now received that report and I know that I've deliver-

ed copies to the leader of your party. Their counsel advises that the process was indeed properly followed and that a conflict of interest did not exist. I quote, "We find that Mr French and Coopers and Lybrand complied with the terms of their contract and with the requirements respecting the conflict of interest."

In addition, cabinet has recommended Ron Barbaro to fill the vacancy of chair of the Ontario Casino Corp, and yesterday the board of the Ontario Casino Corp appointed Ron Barbaro to the position of CEO. I've issued the report, as I said —

**The Speaker:** Thank you. Supplementary.

**Mr Silipo:** I'm glad for that information, even though that wasn't the question I put to the minister. Let me move to another area, another arena, which will be the next arena for free-wheeling backroom rooms nourished by high-paid lobbyists and campaign cash, and that's Ontario Hydro.

The legislation you introduced yesterday doesn't use the word "privatization," but it opens the door for private interests to make hundreds of millions of dollars and put it all in the hands of various committees and regulation. But look at what happens in the real world.

Just recently, when the so-called independent Market Design Committee decided to dilute Ontario Hydro's power over electricity transmission, Ontario Hydro hired — who? — lobbyist Leslie Noble, an architect of the Common Sense Revolution, to get a different decision out of the Premier's office. Listen to this, Minister: The chair of the committee, who happens to be the dean of the Toronto law school, a well-respected individual, wrote a letter at that time saying that hiring Leslie Noble as a lobbyist undermined the integrity of the process.

Minister, if you won't keep your promise to shine the light of public accountability on lobbyists, tell us what steps you will take to stop Leslie Noble and other lobbyists from funnelling billions into —

**The Speaker:** Thank you, Minister.

**Hon Mr Hodgson:** I know the Minister of Energy would be happy to answer this.

**Hon Jim Wilson (Minister of Energy, Science and Technology):** The honourable member is basing his research on a newspaper article that wasn't factual. As I've said to the press many times, Ontario Hydro doesn't have to hire lobbyists. I meet with Mr Farlinger and Mr Osborne, as has been the tradition of all parties — or at least you guys should have met with Hydro when you were in office, and so should the Liberals or they wouldn't be \$32 billion in debt today —

*Interjections.*

**The Speaker:** Minister.

**Hon Mr Wilson:** I see I haven't lost my touch and I still have a profound effect on this House.

As I pointed out to the reporter who was accusing Ontario Hydro of having lobbyists affect decisions of the Market Design Committee, two things: One is that the legislation tabled yesterday followed exactly the recommendations of the Market Design Committee, and in fact Ontario Hydro probably isn't all that happy. But this



government wants the jobs, we want the environmental protections, we want the consumer choice and the lower prices that competition will bring. That's the agenda of the government. That's what that legislation reflected yesterday.

**Mr Silipo:** If only the legislation was about that, but we know that the government's agenda is quite different from that. The connection between laws to bring lobbyists out into the sunshine and your big-money election scheme grows clearer by the day.

Think about this: Leslie Noble is not just selling her political connections, she's not only a cheap author of the 1995 Conservative platform, she's busy helping put together your platform for the next campaign. The message then is pretty clear to big-money campaign contributors about where to go —

*Interjections.*

**The Speaker:** Order. Member for Dovercourt.

**Mr Silipo:** I'm glad we're hitting a couple of nerves over there, because the message is pretty clear to big-money campaign contributors about where to go to buy influence in this province.

You know, Minister, what Ontarians think about privatizing Ontario Hydro. They think it's a terrible idea. But you still want to funnel millions of dollars to your friends, so you have legislation that will provide the cover for whatever private dealings you can cook up in the back room.

Over at Ontario Hydro we see a contract for US\$250,000 go to your friend Tom Long to recruit a new president with experience in privatization. Is that just a coincidence?

1440

This is the same Hydro that pays Leslie Noble \$84,000 to produce "positive outcomes from government." She knows nothing about the power business but she knows how to get positive outcomes on casinos. Who knows where else she's selling her influence. That's why we need legislation.

To whichever minister dares to answer, when is the legislation on conflict of interest going to finally get to this House?

**Hon Mr Wilson:** Again, I remind the honourable member that the legislation yesterday was fully supported by environmental groups in the province, by the Power Workers Union. We had excellent support from the unionized employees of Hydro and their representatives. At the end of the day, it's been the Power Workers Union that is encouraging the government to move towards private-public partnerships.

This government is trying to increase the value of Ontario Hydro, a company that was badly devalued over the last 10 years, a company that was neglected by government. The best way to do that is the world experience with respect to competition, as it brings lower prices, greater choices for consumers, and it will bring us the environmental protections that people in this province have looked for for some time.

With respect to lobbyists, again the facts are in error. I meet with Mr Farlinger and Mr Osborne every week at a set time, as did my predecessor Norm Sterling, as did my predecessor Brenda Elliott.

**The Speaker:** Answer, please.

**Hon Mr Wilson:** Hydro has never been on a better course to improve its state in the economy and indeed to return —

**The Speaker:** Thank you. New question.

On a point of order, the member for St Catharines.

## VISITOR

**Mr James J. Bradley (St Catharines):** Mr Speaker, I would be remiss if I did not introduce to you the Reform Party candidate in the last federal election in St Catharines, Rob Hesp, who is in the gallery —

*Interjections.*

**The Speaker (Hon Chris Stockwell):** Thank you. Order. New question, official opposition.

## GOVERNMENT CONTRACTS

**Mr Dalton McGuinty (Leader of the Opposition):** My question is for the Chair of Management Board. Minister, I want to follow up on this report, a copy of which I received moments before question period began today. The finding in here from the lawyers who are acting for the Ontario Casino Corp was that there was no conflict at the time that the competition was finally decided.

The issue here, you will recall, was whether or not Michael French, who was involved in the running of the competition, was in a position of conflict of interest given that he had had a contractual relationship with the winner that eventually won this competition.

Just so we're very clear, during the course of the time the competition was being designed, during the course of the time the bids were being prepared and submitted, this report tells us that Michael French had a contractual relationship both with the Ontario Casino Corp and with the eventual winner. The law firm said: "Yes, but he wasn't there when the bids were opened. There was no conflict at the time the bids were opened."

I say there is a conflict of interest because he had that relationship at the time that the bids were being prepared and the competition was being —

**The Speaker (Hon Chris Stockwell):** Thank you. Minister.

**Hon Chris Hodgson (Chair of the Management Board of Cabinet, Minister of Northern Development and Mines):** As I mentioned earlier in response to the allegations that were made in the Toronto Star and again by opposition parties about the involvement of Michael French, who worked for Coopers and Lybrand, I requested the Ontario Casino Corp lawyers to review the process undertaken in the selection process specifically to determine whether the strict conflict-of-interest rules that are mandatory were complied with.

I shared this report with the Leader of the Opposition, as I promised I would do, when I received it from the OCC and their legal counsel.

If he looks in the report and he reads down, it says:

"As you are aware, ensuring the integrity of the selection process was of paramount concern from the earliest stages of the process. In particular, the process was structured so as to ensure that any potential conflicts of interest would be identified and dealt with in the appropriate manner."

In the report, counsel advises that the process was indeed properly followed and that a conflict of interest did not exist. I quote, "We find that Mr French from Coopers and Lybrand complied with the terms of their contract and with the requirements" —

**The Speaker:** Thank you. Supplementary.

**Mr McGuinty:** Look, I understand what their conclusion was. I'm not talking about their conclusion. I'm talking about the facts for a minute.

Again, at the time the competition was being designed and at the time the bids were being prepared and at the time the bids were submitted, it turns out that this guy — and this is admitted in your report — had a contractual relationship with the Ontario Casino Corp and with the eventual winner of the bid. They take a very legalistic approach and they say, "Well, since he had no involvement on the day the bids were opened, there's no position of conflict here, there's no conflict of interest."

The fact is that at the time the competition was designed and during the time when the bids were being prepared and submitted, this guy had a contractual relationship both with the Ontario Casino Corp and with the eventual winner. I call that a conflict of interest. What do you call it?

**Hon Mr Hodgson:** As a representative of the people of Ontario through the government, I have to go with the facts, and the facts are this: You raised an allegation about Coopers and Lybrand, and I asked the Ontario Casino Corp to work with their lawyers to give a report on the facts. They have come back, and I have shared that report with you, as I said I would.

In addition to that, I think you're aware that we've appointed Ron Barbaro to be the chair and also CEO of the Ontario Casino Corp. He has an outstanding reputation and experience both in the business community and in community involvement through years of good involvement. I've asked him to take a look at this as well. You know the process: Before a contract is signed with the number-one-ranked proponent, if there is to be a contract signed, the OCC has to give that recommendation to me. I've asked him to review it as well.

**The Speaker:** New question, third party.

**Mr Peter Kormos (Welland-Thorold):** The Chair of Management Board wants to talk about the facts. The facts are that your casino scandal goes far beyond conflict of interest; it goes right to the heart of old-fashioned Tory pork-barrelling. You know full well, or you ought to know, that the Davies Ward report, which you should take little comfort in, doesn't consider at all the significant role

of the Latner family, by which you and your party have benefited to the tune of 90 grand over the course of three years, 1995, 1996 and 1997. Notwithstanding that their bid came number three on tourism, and that's what this was supposed to be all about, your political friends ended up number one, having abandoned tourism in Niagara. Why is there no consideration of the role of the Latners and their connections to your Conservative Party in this consideration by Davies Ward?

**Hon Mr Hodgson:** Here we go again. You're slagging a family that has done business in this province for generations. They did a lot of business when your party was in government. You've had the answer given to you on a number of occasions. But I would like to point out that the bid that was accepted was the number one proposal. It will be good if it's concluded. No deal has been concluded yet. Ron Barbaro will take a look at that. He has an extensive background in business. I can assure you that I'll wait for their advice, but the tourism component will be beneficial to Niagara Falls. All the people, the mayor right through to the BIA, are looking forward to increased tourism and economic development. I think Mr Barbaro is the person to give guidance and leadership to this process. He will, through his board, give a recommendation to me and the government on whether we should sign a contract with the number-one-ranked proponent or not.

**Mr Kormos:** Your Ontario isn't just open for business, it's for sale, lock, stock and barrel, to the biggest political contributor to the Progressive Conservative Party of Ontario. You know that there's no consideration whatsoever of the clear political connections involved in the successful bid by Falls Management, notwithstanding that they were rated number three when it came to tourism. Why are you selling out tourism in favour of the big black hole of yet another casino that you, your government and the Latners are going to be profiting from oh so much?

**Hon Mr Hodgson:** Again, the member of the third party is clearly wrong in all his allegations and all his mudslinging. But I can tell you that I've received a report from the OCC through their lawyers, and I've shared that with the House. We've also appointed Ron Barbaro to take a look at this and to guide the OCC to get ready for the next century.

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#### CHILD CARE

**Mrs Barbara Fisher (Bruce):** My question today is for the Minister without Portfolio for children, the Honourable Margaret Marland. Ontario is once again experiencing a booming economy. We all know that. Our economic policies, tax cuts and sound fiscal management have created an environment of growth and prosperity for all Ontarians.

With this change in outlook, we have also experienced tremendous growth in job creation in the province. In fact, we know that since the throne speech in 1995, 339,000 net



new jobs in the private sector have been created in Ontario. I'm proud of that record, but it leads me to the question I have for you today.

As a mother, I know it can be very difficult to balance the job of raising a family with the demands of a career. With hundreds of thousands more parents working, how can we help meet their child care needs? With such strong economic growth, surely corporations might want to get involved in supporting their employees in raising their families.

**Hon Margaret Marland (Minister without Portfolio [children's issues]):** I'd like to thank the member for Bruce for the question. I too am very proud of our economic record. Job creation is not only important for our economy, but especially important to families that are able to work and be productive and self-sufficient members of our society. We know that parents need a variety of child care options and we encourage companies to get involved and help support their employees in this endeavour.

In the recent budget, this government introduced workplace child care tax incentives to support businesses that create additional licensed child care facilities or improve existing facilities for children of working parents. We believe that this incentive program will help create a supportive environment for working families in Ontario. Good news.

**Mrs Fisher:** All parents need to know that their children are safe and well cared for before they can be productive in the workplace. Surely it would be beneficial to companies to help their staff both at work and in their child care needs. I would like to know more about how an employer can help in this regard. Minister, as you know, the opposition parties are only concerned about criticizing large business help. I understand that small business can participate in this. Will this program service those, other than just large corporations?

**Hon Mrs Marland:** I'm really happy to respond to this, especially for the member for Algoma, because I know he's really concerned. Our proposed workplace child care tax incentive is designed to work with both large and small companies, both incorporated and unincorporated businesses. This incentive will support companies that create or expand existing onsite child care facilities and businesses that make a contribution to fund the creation or renovation of child care facilities in their communities. This means that business can claim a deduction of up to 30% of the qualifying expenditures, and companies of all sizes will have the opportunity to help their staff meet the needs of their families.

As more and more families continue to benefit from job creation in this great province of Ontario, we want to ensure that supports are available to help parents raise their families and be successful in our great province.

#### GOVERNMENT CONTRACTS

**Mr Dalton McGuinty (Leader of the Opposition):** I have a question for the Chair of Management Board. We

now have a copy of a report prepared by lawyers for the Ontario Casino Corp. I know what their conclusion is. I want to know what your standards are now and I want to know what you think about this.

Once again it turns out that at the time the competition was being designed, the competition for people who are going to bid on a casino contract worth hundreds of millions of dollars, the guy who was designing the competition was at the same time involved in a contractual relationship, a financial relationship with the eventual winner. This guy was both involved in setting the rules and involved with one of the people who were bidding pursuant to those rules. All I want to know from you is, is that acceptable to you?

**Hon Chris Hodgson (Chair of the Management Board of Cabinet, Minister of Northern Development and Mines):** I provided to you the report you asked for around the allegations around Michael French that were outlined in the Toronto Star and by opposition members. What this report does is answer those very questions. That's why I shared it with you, so you wouldn't stand up and accuse us of covering anything up or hiding anything. We've tried to be as open and as transparent on this process as we can possibly be. That's why, when the allegation was raised, I said it was a new allegation and I would check it out. I've asked the OCC and their lawyers to prepare a report and now I've shared that report with you. They deal with that very question you're asking.

**Mr McGuinty:** You're trying to take far too much comfort in this written report. It's now in your hands. The issue is not their standards; the issue is, what are your standards? The guy who wrote the rules for the competition was involved with the winner. It's as straightforward as that.

What I want to know, what the people of this province want to know, is not what the lawyers think; they want to know what you as the minister responsible think. Do you think it's acceptable for the guy who wrote the rules to be involved in a contractual relationship with the winner? Is that okay according to your standards?

**Hon Mr Hodgson:** I'll read from the report to the Leader of the Opposition: "None of these prior engagements related to the Niagara Falls proposals, and all were concluded prior to the opening of bids on April 30, 1997. During the period of the selection process itself, neither Mr French nor any Coopers and Lybrand advisers involved with the assessment of the proposals provided services to any of the participants.

"In summary, we find that Mr French and Coopers and Lybrand complied with the terms of their contract and with the requirements respecting the conflict of interest."

#### CHILDREN'S MENTAL HEALTH

**Ms Frances Lankin (Beaches-Woodbine):** My question is to the Minister of Community and Social Services. Minister, several weeks ago I raised a question in the House about the need for mandated children's mental

health services, but today I want to speak to you about a specific situation.

In the Kingston area, children's mental health needs are going without service. A strike at Pathways for Children and Youth is in its seventh week. In those seven weeks, management at Pathways has come to the bargaining table once, a month ago when they were called there by the mediator. There, striking members of OPSEU Local 460 made several concessions on wages and on other issues. Because management did not respond, the mediator suspended talks. All this time, hundreds of children and families have gone without the necessary mental health services.

Have you communicated with the board of directors at Pathways for Children and Youth to ask them to resolve this dispute and make these services available to children and families once more?

**Hon Janet Ecker (Minister of Community and Social Services):** I am sure the member would agree that it would be inappropriate for the ministry to interfere in the collective bargaining process in this case. Our role has been to monitor the care of individuals who would need the services. If there have been specific instances where children are at risk because of this dispute between the management and union, I would be very pleased to get those details and to see what we can do to make sure those children are not put at risk.

1500

**Ms Lankin:** Of course children are at risk. They've been seven weeks without the services. I would agree with your statement, if it weren't for the fact that there isn't an independent board of directors operating there as an independent employer. Through the restructuring process, you appointed the board of directors. They are not elected by the community, they are not elected by the client families. Their accountability is to you, Minister, and you need to take some responsibility here. During that restructuring process, families were assured that the new board would be more accountable, more accessible, that there would be an elected board. That was over two years ago. The transition has continued and the board has never been elected.

Restructuring children's services has been very high on your agenda, but you've got to realize that the Pathways situation is bound to be repeated across the province unless you send a strong message now that employers must enter into real and meaningful negotiations, reasonable negotiations, with their employees to ensure that the needed services continue.

People in Kingston feel that the board is not accountable to the families, nor the community, only accountable to you because you appointed them. Will you speak to them and resolve this situation so kids and families get their services?

**Hon Mrs Ecker:** The member is quite right that they're having some difficulties in this community, which the staff in the ministry have been attempting to resolve with this organization. I repeat that I don't think it's appropriate for us to interfere in a union-management

dispute in this case. However, the staff of the ministry will continue to work with this organization to ensure that the members of the board are providing the appropriate care and also relating to the community in a way that is acceptable to the ministry.

## AIR QUALITY

**Mr John O'Toole (Durham East):** My question is for the Minister of the Environment. Yesterday in the House the Honourable Jim Wilson, Minister of Energy, Science and Technology, introduced an important bill with respect to electricity competition in Ontario for the year 2000. I understand there was an important environmental component to the bill.

I know, from my experience on the select committee on nuclear affairs, about concerns raised, not only in Pickering and Darlington in Durham region, surrounding environmental protection as promised in the white paper. Can you tell all members what is in this bill to protect Ontarians from dirty power sources in the US?

**Hon Norman W. Sterling (Minister of the Environment, Government House Leader):** Members of the Legislature should understand that the electricity restructuring bill will be a very important legislative tool for this Minister of the Environment and future ministers of the environment. No other jurisdiction that I'm aware of in North America will be empowered to deal with electricity generation in the same manner. This legislation enables the province to set caps on smog and gas emissions by sector across this province. That is not presently available to the minister or this government.

It also allows the ministry to set emissions performance standards for all generators who sell in Ontario. That would include not only generators within Ontario but generators selling from outside to Ontario. It also requires disclosure with regard —

**The Speaker (Hon Chris Stockwell):** Thank you. Supplementary.

**Mr O'Toole:** All Ontarians thank you for that breath-taking answer. I know many environmentalists from my constituency will be pleased to hear that, but I want assurance from you that this government and you, Minister, will provide strong environmental leadership and protection as competition is introduced into Ontario's electrical market. Can you assure the people of Ontario today?

**Hon Mr Sterling:** As I said before, I believe this legislation, the commitment by this government in this bill, is probably the most significant commitment towards the improvement of quality of air that this province has ever seen. This bill, as well as including what I said before, will ensure that Ontario Hydro's voluntary commitments, including those for greenhouse emissions, will be lived with. It also requires that an environmental assessment is necessary for those in Ontario who would want to generate electricity in the future, to put them on a level playing field with Ontario Hydro if they should have those in the future.



I mentioned as well that disclosure will be necessary by generators to the consumer so that the consumer can pick electricity choices which are greener than others. In other words, they will have that information in front of them before they make their choice. I believe this is a tremendous piece of legislation. I hope that the members of the Legislature, when we have hearings, will take advantage —

**The Speaker:** Thank you. New question.

### PROPERTY TAXATION

**Mr Gerry Phillips (Scarborough-Agincourt):** My question is to the Minister of Municipal Affairs. We're getting many, many calls from mayors and municipal officials about when in the world this government is going to finally get the property tax bill passed. It's costing municipalities over \$1 million a day in extra costs, interest costs to borrow money, because you can't get the tax bill passed.

It was last Wednesday when the committee completed the bill, ready for passing. We now are a week later. It's cost another \$7 million of tax money for municipalities to cover the costs that they don't have because they can't get their tax bills out.

My question to you is this: Why in the world did it take you seven days to bring the bill from committee to the House and why in the world did you not pass this bill last Thursday and save the taxpayers \$7 million?

**Hon Al Leach (Minister of Municipal Affairs and Housing):** I'm advised by the House leader that the time was required to get the amendments printed and the bill printed and back into the House. That's what took the time. We're as anxious as anyone to get this bill out into the public.

We've also advised the municipalities that they will not suffer any hardship as a result of this, that we've taken actions to ensure that any costs they incur as a result of the rolls going out to the public will be taken care of by this government. We're going to take actions with respect to the funds that are made available to the municipalities. We'll advance those moneys to make sure that any interest costs that they incur as a result of the delay in the assessment rolls will be addressed.

**The Speaker (Hon Chris Stockwell):** Supplementary.

**Mr John Gerretsen (Kingston and The Islands):** Why are you attacking municipalities and municipal taxpayers? You've had four bills now to deal with the same issue and you still haven't got it right. Bill 16 you invoked closure on, and then after we fought for one day of amendments etc and debate, you finally introduced nine government amendments that you didn't say you needed the day before.

Let's just read what the clerks and treasurers are saying about this bill. They say, "The changes made to the bill will not have any positive impact on municipal operations nor will they provide municipalities with relief from flawed legislation."

Let's read another sentence: "Bill 16 risks administrative chaos and has revenue implications that could jeopardize the financial stability of many municipalities."

We are the implementers of municipal legislation. Why don't you listen to these people and talk to them and get it right? Four times you've had it wrong. You're costing the municipalities and the municipal taxpayers money. Why are you constantly attacking the municipal taxpayers?

**Hon Mr Leach:** I find it absolutely amazing the position of that member across the floor. First they ask that the bill be sent to committee for further debate. They requested that. They asked that it go to committee. So what did we do? We sent it to committee so that the stakeholders could have further input. They then complain that we're delaying the bill. This is incredible. First they ask that it go to committee and then they say that the process has been delayed because it's been there.

With respect to the clerks and treasurers, we've had 17 amendments. Ten of those amendments were brought forward by the clerks and treasurers themselves, so we have taken into consideration their concerns and they were addressed in the amendments. As a matter of fact, I'm going to be speaking to the clerks and treasurers on Monday, where I'm sure I'll have an opportunity to address more of their concerns.

### NORTHERN TREATMENT CENTRE

**Mr Tony Martin (Sault Ste Marie):** My question is for the Solicitor General and Minister of Correctional Services, if he's around. I know his stuff is still at his desk.

**Hon Jim Flaherty (Minister of Labour, Solicitor General and Minister of Correctional Services):** I'm right here.

**Mr Martin:** Minister, are you making plans with the federal Liberal government to close down the Northern Treatment Centre located in Sault Ste Marie?

**Hon Mr Flaherty:** I thank the honourable member for Sault Ste Marie for his question with respect to the Northern Treatment Centre in Sault Ste Marie. I'm not aware of any plans with respect to that but I'll take it under advisement and report back to the member if he can give me particulars of the suggestion that he's making.

**Mr Martin:** We have it on good information that you're planning with the federal Liberals to terminate the agreement that keeps the Northern Treatment Centre open. As a matter of fact, we're told that this Friday will be the last day that anybody is transferred to that particular facility.

Do you have any idea what this will mean for the community of Sault Ste Marie? What does it mean for the correctional services system as you close down one of the best treatment centres in the country?

1510

**Hon Mr Flaherty:** Certainly our goals with respect to treatment centres have been to continue the good work that has been done, particularly with young offenders, and the degree of cooperation we have had in that regard from the

federal government has been little or none, including the reduction of funding, despite the success that was seen in projects like Project Turnaround where young offenders have the opportunity to have structure in their lives, where they have the opportunity to increase their literacy skills, where they have educational opportunities during the day. These are much appreciated by many of those who have had the opportunity to participate in that type of innovative project in Ontario. The difficulty, of course, is we have not had the cooperation of the federal government in that important initiative with respect to young offenders in Ontario.

## PETITIONS

### ELECTORAL REFORM

**Mr James J. Bradley (St Catharines):** At the time of petitions, I have one addressed to the Legislative Assembly of Ontario. It reads as follows:

"Whereas the Conservative government of Mike Harris is trying to increase the limit on the amount of money that corporations and individuals are allowed to contribute to political parties and individual candidates in Ontario; and

"Whereas the Harris government plans to introduce legislation to permit political parties and candidates to spend far more money during election campaigns; and

"Whereas the Conservative government of Mike Harris would like to remove certain campaign expenditures such as polling and campaign headquarters equipment from the spending limits placed on political parties and candidates; and

"Whereas the Conservative government is proposing to abolish the Ontario election finances commission, the watchdog agency policing political contributions and expenditures; and

"Whereas the Harris government wishes to shorten the length of provincial election campaigns and to permit expensive media advertising throughout the entire campaign period, thereby favouring the political parties and candidates with the most money; and

"Whereas the changes to the Election Finances Act proposed by Mike Harris will give undue and unacceptable influence to the wealthiest and most powerful interests in our province and will result in the problems that have plagued the American political system, where money plays a central role;

"Therefore we, the undersigned, call upon Mike Harris to abandon his planned legislation which will permit substantial increases in the amount of money that can be contributed by corporations and individuals to political parties and candidates and the amount of money the political parties and candidates can spend in provincial elections."

I affix my signature, as I am in complete agreement with this petition.

**The Acting Speaker (Mr Gilles E. Morin):** We will just wait for a moment. There are too many conversations going on. I can't hear a word.

### PROTECTION FOR HEALTH CARE WORKERS

**Mrs Marion Boyd (London Centre):** I have a petition to the Legislative Assembly of Ontario.

"Whereas nurses in Ontario often experience coercion to participate in practices which directly contravene their deeply held ethical standards;

"Whereas pharmacists in Ontario are often pressured to dispense and/or sell chemicals and/or devices contrary to their moral or religious beliefs;

"Whereas public health workers in Ontario are expected to assist in providing controversial services and promoting controversial materials against their consciences;

"Whereas physicians in Ontario often experience pressure to give referrals for medications, treatments or procedures which they believe to be gravely immoral;

"Whereas competent health care workers and students in various health care disciplines in Ontario have been denied training, employment, continued employment and advancement in their intended fields and suffered other forms of unjust discrimination because of the dictates of their consciences; and

"Whereas the health care workers experiencing such unjust discrimination have at present no practical and accessible legal means to protect themselves;

"We, the undersigned, urge the government of Ontario to enact legislation explicitly recognizing the freedom of conscience of health care workers, prohibiting coercion of and unjust discrimination against health care workers because of their refusal to participate in matters contrary to the dictates of their consciences and establishing penalties for such coercion and unjust discrimination."

I'm presenting this on behalf of 14 citizens of the London area at their request.

### HOSPITAL RESTRUCTURING

**Mr W. Leo Jordan (Lanark-Renfrew):** "To the Legislative Assembly of Ontario:

"Whereas the Health Services Restructuring Commission recommends two sites, two boards and two administrations for Cornwall and area hospitals; and

"Whereas the HSRC has recognized the dual cultural nature of our area but not the fact that it is also two thirds Catholic in population; and

"Whereas the HSRC recommends the closing of hospital lab services in Cornwall resulting in reduced patient services; and

"Whereas the HSRC recommends building upon a site that has no room for growth beyond the year 2003 and will be unable to meet the community's present and future needs;

"We, the undersigned, petition the Legislative Assembly of Ontario to instruct the Health Services Restruc-



turing Commission to consolidate all hospital services at the Hotel Dieu Hospital site, which offers 28 acres of property for present and future development, with one board with representation from the total population served, and one administration."

I present that on behalf of Minister Villeneuve, and I affix my signature with over 5,000 other signatures.

#### LEGAL AID

**Mr John C. Cleary (Cornwall):** I have a petition to the Legislative Assembly of Ontario:

"Whereas Paul Bernardo is a convicted murderer and is currently serving a life sentence for the murders of Kristen French and Leslie Mahaffy;

"Whereas there is concrete evidence in the form of videotape that Mr Bernardo, along with his wife, Karla Homolka, held their victims captive prior to murdering them;

"Whereas despite this concrete evidence the Ontario Court of Appeal has ruled that Mr Bernardo may secure a publicly funded lawyer to file an appeal of his murder convictions;

"Whereas Ontario taxpayers will therefore pay for Mr Bernardo's lawyer and court appeal;

"Therefore, be it resolved that we, the undersigned, petition the Legislative Assembly to encourage the federal government to amend the Criminal Code such that Ontario taxpayers are not required to pay legal appeals initiated by convicted felons."

That's signed by 65 people of my community, and I have also signed the petition.

#### EDUCATION FUNDING

**Mr Bud Wildman (Algonia):** I have a petition signed by approximately 65 residents of the Kitchener-Waterloo area which petitions the Legislative Assembly of Ontario to hold a province-wide referendum on the question of whether Bill 160 should be withdrawn by the government, and I've signed it.

#### ABORTION

**Mr Bob Wood (London South):** I have a petition signed by 273 people:

"Whereas the Ontario health system is overburdened and unnecessary spending must be cut; and

"Whereas pregnancy is not a disease, injury or illness and abortions are not therapeutic procedures; and

"Whereas the vast majority of abortions are done for reasons of convenience or finance; and

"Whereas the province has the exclusive authority to determine what services will be insured; and

"Whereas the Canada Health Act does not require funding for elective procedures; and

"Whereas there is mounting evidence that abortion is in fact hazardous to women's health; and

"Whereas Ontario taxpayers funded over 45,000 abortions in 1993 at an estimated cost of \$25 million;

"Therefore we, the undersigned, petition the Legislative Assembly of Ontario to cease from providing any taxpayers' dollars for the performance of abortions."

#### ADOPTION

**Mr Alex Cullen (Ottawa West):** I have a petition to the Legislature of Ontario:

"Whereas the Adoption Reform Coalition of Ontario brings together various organizations to recommend reform of Ontario adoption law based on honesty, openness and integrity;

"Whereas existing adoption secrecy legislation is outdated and unjust;

"Whereas Canada has ratified standards of civil and human rights in the Charter of Rights and Freedoms, the UN Declaration of Human Rights and the UN Convention on the Rights of the Child, and these rights are denied to persons affected by secrecy provisions in adoption laws and the Child and Family Services Act and other acts in Ontario;

"Whereas 20% of persons in Ontario are directly or indirectly affected by restricted rights to personal information available to other citizens;

"Whereas the adopted person's right to his or her birth identity is rooted in a basic and fundamental human need;

"Whereas most birth parents did not ask for lifelong confidentiality, it was imposed upon them involuntarily;

"Whereas research shows that not knowing basic personal information has proven harmful to adopted persons, birth parents, adoptive parents and other birth relatives; and

"Whereas research in other countries has shown that unqualified access to information at adoption satisfies the overwhelming majority of the parties involved;

"We, the undersigned, petition the Legislature of Ontario to enact provisions of the Child and Family Services Act and other acts to:

"Permit unrestricted access to full identifying birth information to adopted persons and adult children of adopted persons and unrestricted access to adopted persons' amended birth certificate to birth parents, birth grandparents, siblings and other birth relatives when the adopted person reaches 18;

"Permit unrestricted access to identifying information to adoptive parents of minor children, emancipated minor adoptees, individuals with legal guardianship of an adopted person in special circumstances;

"Allow adopted persons and birth relatives to file notice stating their wish for no contact;

"Replace mandatory reunion counselling with optional counselling;

"Permit access to agency and court files when original statistical information is insufficient for identification and contact with birth relatives; and

"Recognize open adoptions in its legislation."

**The Acting Speaker (Mr Gilles E. Morin):** I bring to your attention that petitions sometimes are like a speech. It's too long. You should try to summarize your petition as short as possible so that other members also have a chance to deliver their petitions. I ask for your cooperation.

1520

### SCHOOL CUSTODIAN

**Mr Toby Barrett (Norfolk):** I have a relatively short petition concerning the threat to fire a local janitor because he does not speak French.

"Whereas the local French community and staff at École Sainte-Marie in Simcoe have signed a separate petition in support of Mr Santiago Reyes indicating that they want him to continue to work as a custodian at their school;

"Whereas Mr Reyes has an excellent performance record and should not be discriminated against on the basis of language or in any other way;

"Whereas the undersigned join the local French community's request that any further attempts to involuntarily displace Mr Reyes from his custodial position at École Sainte-Marie in Simcoe be stopped immediately and want him to continue to work as a custodian in that location;

"We, the undersigned, petition the Legislative Assembly of Ontario to guarantee to Mr Reyes his right to not be discriminated against on the basis of language."

I agree completely with this petition and hereby sign this petition.

### ROAD SAFETY

**Mr Bruce Crozier (Essex South):** I have a petition sent to me by the Alliance of Seniors to Protect Canada's Social Programs, Mr Al Gorlick. It has a number of whereases, but I'll read the major ones. It's addressed to the Legislative Assembly of Ontario:

"Whereas there is a shortage of police officers and whereas the provincial government has endorsed the use of a similar camera system to collect tolls on Highway 407; and

"Whereas mayors and concerned citizens across Ontario have been seeking permission to utilize red light cameras;

"We, the undersigned, petition the Ontario Legislature that the government of Ontario support the installation of red light cameras at high-collision intersections to monitor and prosecute motorists who run red lights."

In support of this, I add my signature.

### ADULT EDUCATION

**Mr Bud Wildman (Algoma):** I have another petition addressed to the Legislative Assembly of Ontario. It reads:

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the Legislative Assembly make moneys available to the Toronto Catholic District School Board in order to maintain Msgr Fraser College adult over-21 day school programs."

I've added my signature.

### BEAR HUNTING

**Mr Bill Murdoch (Grey-Owen Sound):** I have a petition on bear hunting. I'll read the final whereases.

"Animal rights activists have launched a campaign of misinformation and emotional rhetoric to ban bear hunting and end our hunting heritage in Ontario, ignoring the enormous impact this would have on the people of Ontario.

"We, the undersigned, petition the Parliament of Ontario as follows:

"That the Ontario government protect our hunting heritage and continue to support all current forms of black bear hunting."

### HIGHWAY MAINTENANCE

**Mr David Ramsay (Timiskaming):** I have a petition here petitioning the Ontario government to repair Highway 11 north, between North Bay and Marten River. I will sign my signature to this.

### PROTECTION FOR HEALTH CARE WORKERS

**Mr John O'Toole (Durham East):** I present this petition to the Legislative Assembly of Ontario:

"Whereas nurses in Ontario often experience coercion to participate in practices which directly contravene their deeply held ethical standards;

"Whereas pharmacists in Ontario are often pressured to dispense and/or sell chemicals and/or devices contrary to their moral and religious beliefs; and

"Whereas public health workers in Ontario are expected to assist in providing controversial services and promoting controversial materials against their consciences; and

"Whereas physicians in Ontario often experience pressure to give referrals for medications, treatments and/or procedures which they believe to be gravely immoral; and

"Whereas competent health care workers and students in various health care disciplines in Ontario have been denied training, employment, continued employment and advancement in their intended fields and suffered other forms of unjust discrimination because of the dictates of their consciences; and

"Whereas the health care workers experiencing such unjust discrimination have at present no practical and accessible legal means to protect themselves."

This is to the Legislative Assembly of Ontario. I'm pleased to sign my name to this petition.



## GOVERNMENT CUTS

**Mr John Gerretsen (Kingston and The Islands):** I was given this petition on Monday, during the Day of Action in Kingston, attended by some 10,000 people. It's addressed to the Legislative Assembly of Ontario. It says:

"Whereas the cuts imposed on Ontario by Mike Harris and his cabinet target the poorest members of our province and will cause enormous harm to both the working poor and recipients of social assistance; and

"Whereas the cuts in the areas of housing, social services like counselling, community centres and drop-ins, health care, education and municipal funding do not save money in the long run and will lead to high social costs and wasted potential from citizens of Ontario; and

"Whereas abandoning the moral and social responsibility of government will serve to put enormous pressure on cash-strapped municipalities, increase local taxes and will destroy the social fabric in Ontario;

"We, the undersigned, petition the Legislative Assembly to pressure the Premier and his cabinet to restore funding that has been cut to the citizens of Ontario and to protect the interests of all of its citizens, regardless of economic status."

I've affixed my signature to it.

**The Acting Speaker (Mr Gilles E. Morin):** I encourage those who have longer petitions to summarize them. Give a chance to everyone to bring in their petitions.

## OPPOSITION DAY

## GOVERNMENT CONTRACTS

**Mr Peter Kormos (Welland-Thorold):** I move that:

Whereas there have been serious questions raised about impropriety and potential conflict of interest in the process to select the builder and operator of the Niagara Falls permanent casino, and that these questions remain the subject of widespread concern in Ontario; and

Whereas there have been revelations that the winning consortium includes a number of people who have strong ties to the provincial Conservative Party, having worked as lobbyists around the establishment of privately owned and operated casinos, campaigners, fund-raisers and party officials; and

Whereas it has been revealed that Michael French was hired by a Toronto business group that was a partner in the winning bid for the Niagara casino, while at the same time he was retained by the Ontario government to run competitions to select private operators for the Niagara Falls casino and the 44 permanent charity casinos;

Be it therefore resolved that this House believes an independent inquiry under the Public Inquiries Act into the selection process for the construction and operation of the Niagara Falls Casino/Gateway project, including all government discussions and decisions leading up to the selection of Falls Management as the winning bid, will be essential for bringing out the full truth surrounding this

case of apparent impropriety on the part of the government of this province.

Speaker, you know that today the government, after receiving it on June 8, released the Davies, Ward and Beck so-called investigation. The Chair of Management Board knows full well that he can take very little comfort in it, because all this report does is focus and raise even more questions about the gross corruption that has permeated the whole process involving the Niagara Falls casino, at great expense, I tell you, to the people of Niagara Falls and the Niagara region.

You know that the casino was tolerable to most people in Niagara only as an integral and essential part of a broader tourism promotional package, the Gateway project. You also know the Chair of Management Board has failed now for the third week to explain how tourism endeavours could have been sold out, were sold out, by the corrupt selection of Falls Management, which ranked third when it came to tourism, yet somehow ended up being the successful bidder for the casino construction and operation. It's a complete abandonment, sellout and betrayal of the tourism future of Niagara, and it creates, as has been noted by so many, simply a huge black hole where visitors to Niagara will spend their money.

1530

I should say, Speaker, that we will be dividing our time as was agreed upon earlier by our respective caucuses.

I'm telling you, there's big bucks involved. You're talking big, big money here. Let me tell you, this government was warned as it embarked on Niagara and on its slot/video lottery terminal exercise and its small-town casino project — 40-plus of them spread across Ontario, the bulk of them being in small-town Ontario, inevitably running seven days a week, 24 hours a day. We're talking big, big money — that this kind of big money inevitably attracts some less than savoury players in the business. That's axiomatic, that's given. You know that. This government has been warned from day one that it has to be vigilant in protecting this exercise, its casino exercise, its video lottery terminal exercise, its slot machine exercise, its small-town gambling casino exercise, those so-called "charity casinos," to protect them from the corruption that's attracted to them, that's drawn to them like flies to —

**Mr Bud Wildman (Algoma):** To honey.

**Mr Kormos:** To honey, I'm told.

The deception began very early in the process. I recall, and you recall this full well, when a legislative committee was called upon to consider Bill 15, the slot machine legislation, the one that was going to put slot machines out there and will put slot machines out there, video lottery terminals — call them what you will — in every neighbourhood, in every community, in every single part of this province. We on the committee prevailed upon the parliamentary assistant, we prevailed upon the government, to make available to that committee a report prepared by the criminal intelligence service of Ontario back in 1995, a report entitled *Gambling in Ontario: Current Enforcement Concerns*. This is as current a

review of the status of gaming in this province, and the concerns that specialists in our Ontario Provincial Police department have, as is available. This government stonewalled, just like it's stonewalling over the issue of the corruption, the blatant, undeniable, straightforward corruption that's inherent.

Let's understand. Davies, Ward were the lawyers for the Ontario Casino Corp. It's a private law firm that relied as much on self-reporting as anything else to draw its very narrow and limited conclusions. They weren't called upon to respond to the most interesting and paramount question of just how it is that Falls Management, ranking number three during the course of selection when it comes to tourism, but interestingly owned in part by the Latner family, who are also in there thick as thieves in the Gaming Venture Group, which has won the bid to run these so-called charity casinos — these are small-town casinos. We understand Windsor. We understand Niagara Falls. We understand Niagara Falls as a tourist destination, and quite frankly, that's why the casino as part of the overall Gateway project was applauded by some.

We know that very much part and parcel of this government's agenda, one that they're committed to because they like the revenues, is to set up gambling halls in every part of small-town Ontario they can find. We're not talking here about tourist dollars or new money. We're talking about emptying the pockets of hardworking women and men, and desperate women and men, for whom Mike Harris' Ontario has been an economic disaster.

So it's oh so interesting, and the question that wasn't even addressed, never mind answered, in this feeble report that the Chair of Management Board responded to in the House today, is that the Latners, very much part and parcel of the third-ranked but successful Falls Management bid in Niagara Falls, are also big time into the casinos that are going to pop up in small-town Ontario to empty the pockets of residents of those towns. It has nothing to do with tourism whatsoever.

It's a very interesting question, because what's undeniable, and not refuted in any way, shape or form by the government, is that the Latners — the observation that we were able to make earlier, Mike Harris the Premier, he wants to talk about Ontario being open for business. Darned right, and it's up for sale to the highest contributor, to the biggest donors to the Conservative Party of Ontario.

We're convinced that what the successful bid by Falls Management is very much about is the fact that Falls Management is owned in part by the Latner family, the Latner family having been oh so generous with the Premier's Conservative Party. We're talking about over 90 grand in political contributions over the course of a mere three years. We're talking about 48 grand spread out over the years 1995-96, and bingo, in 1997 when Niagara Falls comes up for grabs, we're talking about a whopping \$41,500 in 1997 alone.

These facts speak for themselves. You don't have to be a rocket scientist to figure out what's going on here. The people in Niagara Falls don't need to be sidetracked by

this feeble Davies, Ward report, which ignores the reality of what amounts to nothing more than political payoffs and the crassest, Mulroney-style, Tory pork-barrelling this province has ever seen — nothing more and nothing less. It looks like pork-barrelling, it sounds like pork-barrelling, it smells like pork-barrelling, and by God, it's pork-barrelling.

It's the good, old fashioned Tory way of doing business, something Brian Mulroney excelled at when he sold off Canada and something these Tories are perfecting as they're selling off Ontario to their rich friends, their big-money friends, and yes, they're intimate political friends.

The connections to the Mulroney government are there and apparent too. The names are the same. These actors keep popping up through the course of Conservative history in this country, be it in Ottawa doing Mulroney's work, doing his business, or being here at Queen's Park doing the business of Harris and his rich, big-money friends.

Let's get back to the deception that occurred. We prevailed, we implored this government to produce this report from the Ontario Provincial Police. We were prepared to consider it in camera, if need be, if in fact the information was so sensitive that it couldn't be shared with the public, as if concerns about gambling in this province shouldn't be shared with the public. We felt it was critical to the consideration of this government's passion, its mania, for slot machines, that we have access to what the Ontario Provincial Police experts in gambling and organized crime had to say about it.

This government stood steadfast. Come hell or high water, it was going to make sure that elected legislators who were called upon to consider Bill 15 weren't going to have access to some very important information, and they weren't allowed access to that very important information.

We have discovered what is contained in that CISO, Criminal Intelligence Service Ontario, report. You see, one of the lines used by this government is that they have to legalize slot machines and run them to deal with or respond to the phenomenon of illegal gambling. They really ran that spin, they really ran that line.

They were challenged on it. They were told by members of the opposition, by members of the New Democratic Party, by people who appeared in front of the committee, that the real way to address illegal gambling is to give police officers the resources to enforce the legislation, the Criminal Code of Canada. This government said no and it really tried to market its slot machines, its VLTs, as being little more than a response to the phenomenon of illegal gambling, because nobody was going to dispute the fact that there was illegal gambling.

#### 1540

One of the reasons this government was very interested in our not having access to the Criminal Intelligence Service Ontario report by the Ontario Provincial Police was that the Ontario Provincial Police made this very distinct observation, and perhaps some of the Tory members who were denied this report as well should take heed, because the Ontario Provincial Police, experts in



organized crime and illegal gambling, in this report take special notice of the fact that legalized gambling has never replaced illegal gambling, ever, never, nowhere in the history of legal gambling versus illegal gambling. In fact, it goes further: "Legal gambling complements illegal gambling. Experts indicate that introduction of new legal games bring in new players, a significant number of which yield to the lure of illegal gambling activities to satisfy their interest."

It's exactly the sort of question we were raising with the government as it pursued Bill 15 which, with its numbers and with its backbenchers marching in lockstep, it eventually passed. The reality is that this raises even more concerns about who is really driving the agenda here. We know, once again, that because of the huge numbers involved in gaming, it attracts the least savoury of players. Take a look at the numbers and you will see that in Niagara Falls alone, over the course of not a full year until December 1997, we're talking about \$400 million in gross revenues by the Niagara Falls casino, \$20 million more than the gross revenues of Windsor. We're talking about half a billion bucks, and that's before we even have a permanent casino location there. No wonder people are prepared to engage in \$90,000 payoffs, like the Latner family are, to obtain access to such a lucrative pool of revenues — 90 grand at the end of the day was a rather modest contribution by the Latners, in view of the great rewards they are going to reap by virtue of having been awarded — notwithstanding that their team came third when it comes to tourism —

*Interjection.*

**Mr Kormos:** I suggest you go file some income tax returns. Your time would be better spent, friend — the largess of Falls Management ranking third and at the end of the day coming up first; a remarkable bit of political response to a remarkable bit of political payola. The system is corrupt. It has been corrupted by this government, by its political friends and by its big-money partners in what amounts to a total sell-off of the future of tourism in Niagara region.

This government wants to take some comfort in a report that doesn't even begin to consider but merely asks more questions about the political reality of a corrupt government that will accept political contributions to corrupt a process that is far from clean and proper, and I tell you the participants in this process are well aware of it, the community of Niagara is well aware of it and the people in this province are well aware of it.

We've only been able to discover after the fact that this government's argument about legal gambling somehow displacing illegal gambling is totally false, totally fallacious. Again, one has to ask the question. This again leads to our concern about the refusal, the stonewalling by this government in its refusal to consider or to call a public inquiry under the Public Inquiries Act, because in its so-called investigation, by the same lawyers who represent the Ontario Casino Corp, the questions weren't asked. Therefore, the answers weren't given, nor were they even solicited. The questions weren't asked.

We know that gambling of the scale that Niagara Falls is going to entail is going to attract corruption, as it already has, is going to attract the mob, is going to attract organized crime. When you consider and understand that legalized gambling, like casino gambling, and as importantly and perhaps more significantly like video slot machines, spread across small-town Ontario, doesn't displace illegal gambling, it complements it, it introduces people to it, you then have to ask the question as to whether the organized crime players in illegal gambling are the same people who are encouraging legalized gambling here in Ontario. Are they some of the same actors who are endorsing and promoting this government's casino projects, its small-town gambling hall projects and slot machines across this province?

Our very own Ontario Provincial Police identify organized crime and name names in a report that was denied to legislators in this assembly because it was extremely relevant to the propriety of this government's introduction of slot machines across the province and so-called charity gaming halls. It names names and identifies organized crime players who have permeated and run illegal gambling and who stand to benefit very directly from this government's proliferation of gaming and gaming halls across this province.

Let's take a look at the government's most recent announcement to abandon so-called video lottery terminals. They stood up and said: "That's it. We've given up on VLTs. We're just going to use slot machines now." No wonder this government didn't want members of this Legislative Assembly or the public to have access to the CISO report, because let's understand what the Ontario Provincial Police anti-gambling squad says about stand-alone slot machines, the type that are going to be installed by this government.

The Ontario Provincial Police in this province point out that standalone slot machines, the type that this government proposes to install in communities across this province, are the most corruptible ones. They're the ones with the least integrity. They're the ones that organized crime loves and they're the ones that organized crime will be oh so quick to get its hands into and, believe me, they will.

We'd better be concerned about what's happening in Niagara. I tell you it's imperative, all the more so today after receiving this so-called report by the very same lawyers who act for the Ontario Casino Corp, retained by this government to report back on corruption within this government. What a sham. What a disgusting coverup. What a disgusting denial of the reality behind the corruption inherent in the Niagara Falls casino bid.

The only way to address it, the only way to seek redress, is to have a full public inquiry under the Public Inquiries Act so that witnesses can be called, so that people are required to testify under oath and so that a truly independent party can draw some real conclusions because, I tell you, the only conclusion to be drawn now is that this government has corrupted the process, has become corrupt itself in the course of that process, has permitted itself to be bought off by its big-money friends,

and has been bought off by its big-money friends. It has its network of soldiers out there — strong Tory insiders — doing the business of this government and forging those links with the big donors, with the big contributors, with the big-money people who are prepared to pay cash into the coffers of the Conservative Party so that they can have legislation, so that they have casinos, so that they can have policies that serve their profit interests.

This process reeks, it stinks, it's corrupt. We've seen ministers like the Chair of the Management Board reading from the notes given to him, following marching orders — no two ways about it — not understanding that at the end of the day he's going to be hung out to dry. The Premier's not going to want to take the heat. The Premier may be so intimately involved in the corruption that we're talking about, in the corruption that's so apparent to so many, but it remains that at the end of the — he may be. I'm not suggesting that he is.

**The Acting Speaker (Mr Gilles E. Morin):** No, I don't accept this. Please withdraw.

**Mr Kormos:** Withdrawn.

**The Acting Speaker:** I simply do not accept that.

**Mr Kormos:** Withdrawn.

**The Acting Speaker:** Thank you.

**Mr Kormos:** The Premier may be in there like a dirty shirt, but the fact remains that he's not going to take the heat. He'll let his Chair of Management Board fall by the wayside in a New York minute before the Premier will take the heat on this one. Even though the Chair of Management Board — I'm convinced he's not in the back rooms. He's a dupe. He's being hung out to dry here. He's reading the script that's given to him. He's covering a whole lot of other people's backs. He's a mere mouthpiece for the players who are engaging in the backroom action and from whom the corruption just exudes.

Full public inquiry is the only solution to this matter. I would expect that Tory backbenchers would be as eager to participate in that sort of inquiry. One would hope they would be as eager to clear the air as any member of the opposition ever would be. One would hope that they'd want the public to see in a full — and the Chair of Management Board earlier today talked about transparency. Let me tell you, the only thing that's transparent here is that there have been political payoffs and that what should have been losing bidders, Falls Management, have become number one by virtue of the payoffs, as compared to being left in the status of number three.

1550

Let's have a public inquiry. Let's hear from witnesses. Let's have an independent tribunal —

**Hon David Turnbull (Minister without Portfolio):** Go outside and say that, Peter.

**The Acting Speaker:** Minister. The member for York Mills.

**Mr Kormos:** What are you afraid of? What are you so afraid of that you don't want to see this go to an independent public inquiry? Or are more than a few of you going to be caught with your hands in the cookie jar? Because that's the only motivation for fear on the Conservatives'

part that I can contemplate. Public inquiry is the only way to resolve the stench that accompanies this government and casinos and gambling.

**The Acting Speaker:** Further debate?

**Mr Bill Grimmett (Muskoka-Georgian Bay):** I should say at the outset that I'll be splitting my time with the member for Hamilton West and the member for Northumberland.

I'm pleased to have the opportunity to speak to the opposition day resolution put forward in the name of the member for Welland-Thorold and also to have the opportunity to set the record straight and provide some of the factual background to some of these allegations.

Some of the allegations that are being made are very serious allegations about individuals and they are not being made outside of this chamber; they are being made inside this chamber. I think all the members should recall that that's really the basis on which these charges are being made. They're being made in the chamber and not outside the chamber.

It also gives me the opportunity to speak about the importance of the Niagara Falls Casino/Gateway project, because one almost gets the impression from the speech of the member that the Niagara Falls Casino/Gateway project is not a popular one in that region.

Certainly from the opportunities that I've had to visit the region, and when I was the parliamentary assistant to the Minister of Economic Development, Trade and Tourism responsible for tourism, I had the opportunity to meet on a number of occasions with people from the Niagara region and discuss the idea of a combined Gateway-casino project. I certainly had the impression from speaking to them that it was a long-awaited opportunity to capture some of the untapped potential that the Niagara Escarpment and the Niagara area had not been able to take advantage of.

A lot of the people who visit the Niagara Falls area go there for actually a very brief period. There are people both in the Niagara region and on behalf of the provincial government who track the length of time that tourists spend in the Niagara region, and particularly in the Niagara Falls region, and many of these travellers are in fact coming to Niagara Falls for the purpose of seeing the falls and seeing some of the other attractions in the area, but they don't always stay for a long period of time. Our government thought that combining the Gateway project with a casino initiative was an ideal way to try to get tourists to stay longer in the area.

Originally the Gateway project was intended to develop the region as a world-class holiday destination and to position the Niagara region as an international tourism gateway to Ontario. It has all along been seen as a combination of private sector tourism development and also a tourism strategy not only for the Niagara area but also for the province.

In February 1996 the decision was made by this government to combine the Gateway project with a casino initiative in order to boost tourism and economic benefits generally in the region.



We know that each year more than 14 million tourists travel to the falls. It is one of the world's most amazing natural attractions, as most Ontarians know. We wanted to make sure that the underdeveloped tourism market in the area and of the province benefited by trying to develop the Gateway project more fully.

One of the people that I was able to discuss this matter with when I was the parliamentary assistant to the minister responsible for tourism was the mayor of Niagara Falls, Mr Wayne Thomson. He's on record as saying that he thinks the combination of a Gateway project and a casino initiative will be of great benefit not only to the city that he's the mayor of but also to the province and particularly the Niagara region beyond the city of Niagara Falls.

Clearly, the idea of a Niagara Falls Casino/Gateway project is to make sure that the tourists who come to that area stay for more than a day trip. We want to have Niagara as a launching point for other destinations in the province.

I know that the people from my area, Muskoka-Georgian Bay, would love to see more people who are visiting Niagara Falls take a trip around the province, perhaps a bus trip or other type of trip, out to see Muskoka and Muskoka-Georgian Bay.

The combined Niagara Falls Casino/Gateway project is the largest single tourism and economic development project in the history of the Niagara region. The objectives of the project, which have been stated very clearly on a public basis not only by our government but also by local interests, are to make a significant and lasting contribution that increases the sustainable economic benefits from tourism in the Niagara region, to act as a catalyst for economic development in the city of Niagara Falls and in the Niagara region and of course to create jobs.

The interim Casino Niagara is already providing many of these benefits. The members from the Niagara region and also municipal representatives from that region will confirm that many of the objects of the Niagara Falls Casino/Gateway project are already in effect, they're already operating as a result of the interim casino. We're sure the full project is going to accomplish even more of those benefits.

In September 1996 the Ontario Casino Corp issued a request for proposals for the Niagara Falls Casino/Gateway project. The corporation coordinated the establishment of an independent selection committee. By the March 1997 deadline, four companies had submitted proposals to bid on the project.

A Toronto newspaper has recently published a number of allegations concerning the integrity of the selection process for the Niagara Falls project. Some of these allegations concern the manner in which the selection process was conducted and also the involvement of the company Coopers and Lybrand. Coopers and Lybrand were in fact advisers to the selection committee. Some of the allegations suggest that Coopers and Lybrand's involvement with third parties is said to have created a conflict of interest. On June 1, 1998, Management Board

of Cabinet instructed the Ontario Casino Corp to direct its legal counsel to determine if there were any breaches concerning Coopers and Lybrand's role as advisers to the selection process or with respect to conflict-of-interest requirements.

The objective of the independent selection committee was to choose the highest-quality proposal. It's worth noting that the selection committee undertook a comprehensive and complex evaluation process in which proposals were evaluated as to how they best met the range of criteria as described in the request for proposals. Each proposal was judged on how well it met a host of criteria. Those criteria included the potential for economic development, the quality of the concept, the bidder's ability to finance the project, the calibre of the business plans and management expertise.

The selection processes for the Windsor and Niagara Falls casino operators were basically the same in virtually all respects. Both had selection committees. These committees were assisted by experts in the specific criteria subject areas. Review panels were appointed to approve the selection criteria and selection process before, during and after the committee's work to ensure the selection process was fair and objective.

In the case of the Niagara process, the review panel included deputy ministers of the Ministry of Economic Development, Trade and Tourism, the Ministry of Finance, the Ministry of Consumer and Commercial Relations and the Management Board Secretariat.

In both Niagara and Windsor, legal counsel provided advice regarding the process and the bids. Both selection committees were solely responsible for providing selection decisions, while the experts provided information and analysis to the selection committee only.

The basic steps taken throughout each process were the same. These steps included a review of the proposals, oral presentations by proponents to the selection committee and questions of clarification to proponents posed by and received by the committee. Following this process in Niagara. In February 1998, the selection committee for the Niagara Falls Casino/Gateway project announced its decision on a preferred proponent. That proponent was Falls Management Co.

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For the Niagara Falls project, Falls Management Co has selected the Murray Hill site overlooking the falls. Anyone familiar with the Niagara Falls area would understand the location of the Murray Hill site; it's an ideal location for this kind of development. Falls Management has proposed a 100,000-square-foot casino, a 350-room hotel, extensive meeting and exhibition space, a world-class retail mall and a significant entertainment complex.

In addition, the consortium proposes to build a 12,000-seat amphitheatre and entertainment venue. It also proposes to develop River Country, a major addition to the existing Marineland. The proposal also features a monorail as part of the people-mover system currently being planned by the city of Niagara Falls. People who followed the Niagara Falls council discussions over the past few

years will be familiar with the idea of a monorail which has been put forward by a number of parties.

The casino and related development will offer a unique blend of year-round experiences, including family-oriented entertainment and world-class accommodation. These are all the kinds of ideas that I'm sure people in the tourism business in the Niagara region are delighted to hear.

At the time of the announcement of Falls Management Co as the preferred proponent for a Casino/Gateway project in February, it was expected that the casino complex, as conceived, would create more than 5,000 direct jobs. Construction of the casino complex would create approximately 5,000 person-years of employment.

The selection committee chose Falls Management Co because the committee felt that among the bidders it had the highest quality proposal. Should the negotiations between the Ontario Casino Corp and Falls Management prove to be successful, the Falls Management proposal will fulfil the objectives of the Casino/Gateway project. Falls Management Co is led by Hyatt, one of the largest and most successful resort and tourism companies in the world. They have 179 hotels and resorts throughout the world. Currently Hyatt operates seven casinos and is a partner on an eighth casino.

Recently Mayor Wayne Thomson of Niagara Falls told a news conference, "When the casino arrived, it was a boon for the city, where cross-border shopping had devastated the local economy and where some major hotels were three years behind in their taxes."

I'm sure we could come up with many quotes from local representatives who are very confident that the combined gateway and casino project will be of great benefit, not only to Niagara Falls but also to the whole region of Niagara. The interim casino has had valuable economic spinoffs, which include more than 9,000 direct and indirect jobs created throughout the province. It generates an estimated \$1.3 billion in new economic activity and new tourists in the province.

But it's not only economic benefits that communities derive from the casinos. When the KPMG study on Casino Windsor was released in December 1995, it was found, to the surprise of many, that it had been a positive social impact on the city of Windsor. The study found that increased crime did not materialize. The report stated, "Many people spoke of a new sense of optimism and a positive spirit in Windsor." In an excited response to this report, the member for Beaches-Woodbine said, "If all reports in the future remained as positive as this one, I think this government — any government — would proceed to have additional casinos."

Communities like Niagara Falls, Windsor and Orillia are enjoying unprecedented levels of economic success. I know Windsor has expressed enthusiasm for the economic benefits of the casinos it plays host to. It's on track to open the permanent casino this summer. Windsor has seen some 3,500 people employed at its two interim casinos. In total the Windsor casino initiative has seen more than 11,000 indirect and direct jobs created.

The project in Niagara Falls will mean thousands of new jobs for that part of the province and make a significant contribution in helping the region achieve its vision as a year-round, world-class tourist destination. Those are my comments for now.

**The Acting Speaker:** The member for St Catharines.

**Mr James J. Bradley (St Catharines):** Thank you, Mr Speaker. I want —

**The Acting Speaker:** Hold on, I just want to explain to you. I know that you got up, the member for Hamilton West. You don't have to divide the time. You will have your full time. I'll just go in rotation.

**Mr Bradley:** If the member for Hamilton West wishes to speak now, if she has another engagement, I'll be happy to let her.

**Mrs Lillian Ross (Hamilton West):** No.

**Mr Bradley:** That's fine. I know from time to time members do have something else to go to and I would certainly be prepared to accommodate her.

I want to talk about this resolution in the context of what is going on in this House in the last few days and how it relates to this. I want to, first of all, review what Mr Kormos's resolution says, so that those who might be watching would know what we're debating this afternoon.

Mr Kormos, on behalf of the New Democratic Party, has moved opposition day number 4, which reads as follows:

"Whereas there have been serious questions raised about impropriety and potential conflict of interest in the process to select the builder and operator of the Niagara Falls permanent casino, and that these questions remain the subject of widespread concern in Ontario; and

"Whereas there have been revelations that the winning consortium includes a number of people who have strong ties to the provincial Conservative Party, having worked as lobbyists around the establishment of privately owned and operated casinos, campaigners, fund-raisers and party officials; and

"Whereas it has been revealed that Michael French was hired by a Toronto business group that was a partner in the winning bid for the Niagara casino, while at the same time he was retained by the Ontario government to run competitions to select private operators for the Niagara Falls casino and the 44 permanent charity casinos;

"Be it therefore resolved that this House believes an independent inquiry under the Public Inquiries Act into the selection process for the construction and operation of the Niagara Falls Casino/Gateway project, including all government discussions and decisions leading up to the selection of Falls Management as the winning bid, will be essential for bringing out the full truth surrounding this case of apparent impropriety on the part of the government of this province."

That is the context in which we are speaking this afternoon. There are a lot of items that have been happening in the last few days, or perhaps the last few weeks, which certainly relate to that.

When you're establishing a multimillion-dollar initiative, perhaps we're even into billions of dollars, such as a



tourist casino — we're not talking here about the charity casinos, or as I call them, the new Mike Harris gambling halls, that will be imposed on smaller communities across the province and operate 24 hours a day, seven days a week, bleeding the local communities of every last discretionary cent that might be around. We're not talking about those, to begin with. We're talking about the Niagara Falls casino or the Windsor casino; in this specific case the Niagara Falls casino.

Where there is a lot of money to be made, where we're talking about casino gambling, it is so very important for a government and its process to be squeaky clean, to avoid even an appearance of political influence being exerted by friends within the Progressive Conservative Party or insider information that somebody might have or mob influence — any one of those things. It's so important to avoid that. To do so, you have to have virtually a perfect process, and we've had less than a perfect process, in my view, in this case.

I want to say, by the way, that no matter who wins, some people who did not win are going to be unhappy. But I think there were a lot of people surprised that the bid that had the most tourist components to it was ranked down there, and the third-ranked bid, in terms of its casino component, was elevated to first place. People are going to ask questions. Because while the proponents in Niagara Falls of the casino as a tourist attraction like it as a tourist attraction, what they want to see are a number of other components. Niagara Falls doesn't want to be just a casino capital; it wants to be a tourist attraction or a tourist capital, if you will.

1610

We have the natural beauty of the falls. The Niagara Parks Commission over the years has done an outstanding job of providing facilities and beauty that are an attraction to people. But Niagara Falls wanted more than the wax museums and a few other attractions. They wanted to get into some quality tourist attractions. So legitimately people are asking the question: Why would the bid which had apparently the best attractions tourist-wise be relegated down the list and the one which didn't have so many, in fact didn't have many that a lot of people thought would be all that helpful, be elevated to first place? Those questions have been out there.

The government chose to have an inquiry but it chose to have the Ontario Casino Corp investigate the Ontario Casino Corp. Whether they do a good job or not, the perception always is, and often the reality is, that the final conclusions an organization investigating itself come to are going to be skewed somewhat, influenced somewhat, by the fact that their neck is on the line. I think what people would have preferred to see was an independent inquiry, an independent look by an outside, objective agency to clear up the cloud that is surrounding the bidding process with the Niagara Falls casino.

I remember I got up a month or six weeks ago in the House and asked about two people who were part of the winning bid who had some problems in the past in terms of their financial dealings. One was a Toronto individual

and one was a Buffalo individual. I didn't know whether the accusations or the suggestions were true. What I was concerned about was that when the casino corporation was asked about this they said, "We just had a preliminary look at these individuals." I would think that when you're establishing a major tourist casino which is going to be bringing in hundreds of millions of dollars, you would do a very comprehensive search of each of the people who might be involved in the bidding. That didn't happen. Even someone from the casino operation in Ontario who was asked about it said that really hadn't been done, that it was just a preliminary look. So right away people started to wonder just what was going on. It gets back to the fact that the process has to be squeaky clean for it to work.

I'm worried as well that we're now having the same kind of thing happening with the 44 Mike Harris gambling halls. Those are the so-called charity casinos, where the government is using the charities as a front to justify moving into various areas of the province with these new casinos. The previous NDP speaker, Mr Kormos, may wonder, as I do, how the family caucus, the family values crowd within the Conservative Party, feels about this, because these charity casinos, or Mike Harris gambling halls, are going to be placed in various communities. They're not there to attract tourists, they are there instead to maybe attract the people from just around the area, but they're there to bleed the money out of the community.

Who's the big winner? Mike Harris, the person who said on many occasions he wanted nothing to do with gambling revenues. He said he didn't want them. When he talked about the Windsor casino, he was critical of the NDP government for establishing the casino at Windsor and talked about not wanting what he almost saw as blood money coming from these casinos. Well, he's happy to get it now because he's got to make up the revenue from the income tax cut. That's a tax cut, of course, the 30% tax cut, which benefits the wealthiest people in society the most, because if you're making \$300,000 a year and you get a percentage tax cut, you're going to benefit much more than the person making \$30,000 a year in terms of the actual dollars you're going to get back. So he had to find the money somewhere to make up for that income tax cut which he was giving before he had balanced the budget. That's the real problem, trying to provide that kind of income tax cut before you balance the budget. So we have these so-called charity casinos out there.

It was interesting to see in so many municipalities that people turned them down. They had a plebiscite, they had a vote locally during the municipal election. They said, "We don't want anything to do with them." This was despite the high pressure coming from the gambling proponents, and many of the people who are proposing these are friends of the government and they want long-term contracts. They want to sign these contracts so that no matter who's in power you're stuck with the contract. If you wanted to get rid of them, you would have to pay millions of dollars to get out of these contracts. They want to make it permanent.

I'm just hoping that the family values crowd within the Conservative caucus comes forward and speaks out during a caucus meeting to say to Mike Harris, "Enough of preying upon the most desperate people in our society, the most vulnerable people in our society, those who are addicted to gambling," and seeing the damage that could be done to the social fabric of the province, to families, by the implementation of the Mike Harris gambling halls, 44 of them operating seven days a week, 24 hours a day in various communities.

We saw some of the cabinet ministers saying to the local municipalities, "Look, if you don't accept this, maybe your charity is not going to get any money." I think the word for that is "coercion."

**Mr Kormos:** Blackmail.

**Mr Bradley:** The member suggests "blackmail." I used "coercion" as my choice, to these municipalities.

The second thing they did was — I say this in the context of not trying to be confrontational; listen to the context — bribery, not in the old-fashioned way of thinking in an illegal way, but rather saying to municipalities, "Gee, if you want to operate these slot machines, we're going to dole out some money to the municipality." When they had the old VLTs, the electronic slot machines, they were going to give a pile of money to the municipality, about \$200,000. Unfortunately the municipality was desperate because of the downloading.

**Mr Douglas B. Ford (Etobicoke-Humber):** What about the illegal ones?

**Mr Bradley:** The member for Humber asks a very legitimate question, and he's told this by the ministers. They come into the caucus meeting and say, "You know, there are all these illegal machines." I say get the commissioner after them. You've got one of the commissioners beside you. I say you get the crime commissioners and you close them down. That's all you have to do. You have to close them down. I am confident that the Solicitor General, the Attorney General and the crime commission can converge on these illegal operations and close them down and, if necessary, impose jail sentences and huge fines. That's all you have to do. I'm told by members of the government that you're against crime, so I know that you'll be aggressively going after those people.

Instead, what they said is: "There's something happening out there. Why don't we get in the business?" said Mike Harris. That's like saying there are people out there selling crack cocaine, so why wouldn't the government get in that business, or there are people robbing banks, so why doesn't the government rob banks? That's the same logic. It would be silly to suggest the government do either, and I say it's silly to suggest the government should be in the middle of gambling, of preying upon the most vulnerable people in our society.

With the Niagara Falls contract comes up the whole issue of election financing. You see, when you increase the amount of money — this is what this government is doing; they have now put a bill before the House which would allow huge increases in the amount of money that the corporate sector and individuals can contribute to

political parties — and a huge increase, a massive increase in the amount of money that can be spent during an election campaign, money becomes all-important in an election campaign.

Think of it this way: If there are people consulting on contracts for casinos and they have contributed the massive amounts that would now be allowed under the new legislation, more and more people are going to be thinking there's a connection between them. There may not be, but more and more people are going to be concerned that there is a connection there.

When you abolish the election finances commission, the watchdog over the spending and contributions to political parties, I'm going to report that to the crime commissioners, because they're taking away —

**Mr Kormos:** Which one? Curly, Larry or Moe?

**Mr Bradley:** "Curly, Larry or Moe?" asks the member for Welland-Thorold. I know if I don't repeat it, it won't get into Hansard, so I repeat that to him. I don't know which one, but I would think they would be concerned when you're taking away the watchdog.

1620

Also, there are a lot of campaign activities out there. They may be polling on gambling, for instance. They may be polling on what the public attitude is towards the Niagara Falls casino contract.

They may have push polls. That's a new, devious method which people use in election campaigns south of the border. It would go like this. It would say, "Would you vote for" — who can I pick out here? — "Harry Danford or would you vote for Willy Brown?" we'll say, running against Harry Danford. That's the first question. The answer is whatever it is. Let's say it's Willy Brown, just for argument's sake.

The next question from the push pollster is this: "Would you vote for Willy Brown if you knew that he was soft on crime?" That's the next question you ask. That puts in the mind of the person listening, "Oh, this person must be soft on crime." Or it might be, "Who would you vote for if you thought Harry Danford was retiring?" The implication there is, you're trying to suggest that Harry Danford is going to resign or retire. That's what is called a push poll. I'm not picking on Harry; I just happened to be looking across at him.

None of that would cost anything. They've got all kinds of costs in an election campaign that would no longer come under the jurisdiction of the election finances commission. The sky would be the limit: Spend as much as you want and define it the way you want to.

This benefits the wealthiest people in our society, the wealthiest party. You see, what happens then is that it makes governments perhaps want to cater to the most powerful people, the people with the most wealth in our society, in their policies, their legislation and their regulations because that's where they're going to get the biggest donations. People of very modest income are not in a position to make those donations and the wealthiest in our society are.



The party that has money coming out its ears, the Conservative Party — I've said on many occasions, much to the amusement of my friends from Humber and Chatham-Kent, that it's going to cause a building boom in Ontario. We're going to have to build bigger halls to hold those Conservative fund-raisers, because more and more of the people who are benefiting most from the Conservative policies, the very wealthiest and most powerful people in our society, are going to come for payback time.

You say, "How does this affect this resolution?" The problem is that the more people can contribute, the more influence they will be able to exert on government. That's how it will be perceived at the very least, and it may even be true. That's not healthy for the democratic process.

Tom Long and Leslie Noble and David McFadden and Guy Giorno, and maybe my friend Mr King, who is now departed, all these people, will be saying: "Aren't we smart? We put one over on the opposition. We've rigged the circumstances so that we're in a much better position to win." They think they're being very clever, but even people who support the Conservative government should think about the democratic process and say: "Is it right? Is what we're doing right? Should money play such an important role in our campaigns?"

If you shorten the campaign and you allow massive advertising throughout the campaign, it's like carpet bombing the province with advertising. You have all those ads. Because the government knows when the election is going to be, they are then able to buy up all the good time slots ahead of time and spend all this money, massive amounts of money, on a campaign. That's when questions start to arise about political influence, you know: Did somebody donate, and did that have an influence or did it not have an influence? Those are the questions that get asked.

When you move in this direction, you make the problem worse. I think even some of the non-cabinet members in the government know this to be the case.

Yesterday we saw in the House an opposition which was extremely annoyed and infuriated by what happened. The Hydro bill was the significant bill coming forward. You didn't notice that the Hydro bill, which is a legitimate debate, was going to cause the opposition to be very concerned, very annoyed and very demonstrative, even though it's an important bill.

But when we're dealing with election finances and contributions, it has traditionally been that members in this House, representatives of the three parties in this House, as elected members, get together, discuss possible changes and come forward with legislation. I can't remember an occasion where that hasn't been done by consensus. But in this case the government was bound and determined — somebody was giving the orders to the Chairman of Management Board — to shove this bill through, a bill which very much favours the party with the most money and frankly, secondarily, a government in power, which almost always has a better chance at raising funds than those in opposition. It's not fair, first of all, and it's not healthy for the democratic system.

If the people of this province were to choose to elect the Conservative government, I might not agree with that, but if they did it with a fair playing field out there where money didn't overly influence the election, people just chose as a result of their own thinking and what the government did, I would accept that. That's the democratic process. What I worry about is when the deck is stacked in favour of one group or another, where the government says the sky is the limit on many expenditures, and where corporations and individuals are able to put massively more money into the system and spend more money during a campaign.

When you shorten the campaign as well, it's more difficult for those who use the door-to-door method of campaigning. The door-to-door method is much cheaper, but you get to talk to people, or you go to public meetings or you gather in any kind of public venue, you discuss the issues and people make the choice. Again, that's as it should be. But when it is dominated by television advertising, with what I call hot-button issues being pushed — the dog whistle in some cases. A dog whistle, of course, is a whistle that only the dog can hear, so you blow the whistle and the dog hears that whistle. But oftentimes you use terms, code words, which to some people mean something, and that's the dog whistle out there that you see as part of the electoral process.

The last election, for instance, it was, "Let's reinforce that stereotype about somebody on welfare sitting on their front porch drinking beer while you're working hard." There might well have been some people who did that. The overwhelming majority of people did not want to be on welfare, and it was very unfair to put the foot on their throat, because they're vulnerable to that stereotype. Then they talked about quotas. What they were really saying there was, "It's the people from those other countries coming in to take your job, or your son or daughter's place in the university or community college." That kind of advertising is effective. Listen, I can tell you it's effective. If you ask people, for instance, "Are you opposed to negative advertising in a campaign," they'll say: "I don't like it. Yes, I'm opposed to it." But then you ask, "Does it influence your vote, honestly?" and they will tell you it does.

More and more, public debate in this House, public debate in our constituencies, should play a far greater role than money. Unfortunately, this government is making money the primary factor in an election campaign. So when we get to issues such as the Niagara Falls casino, that is where people begin to wonder. Were there Tory insiders? Were there people who knew people in government? I don't even know if you have to say Tory insiders. Were there people with inside information who had some influence on who was finally chosen? That's a question that lingers out there.

If you have an independent inquiry, as asked for in this resolution, and it comes to the conclusion there wasn't, then I think the public can justifiably say, "We've had an inquiry and there was no hanky-panky and we have to accept that." The opposition and those suspicious would

accept that. But when you ask the Ontario Casino Corp to investigate the Ontario Casino Corp, I don't know how much credibility their conclusions are going to have, especially when we see people who have been in government — no matter who's in power, you always have to watch this — working for a minister or something and then they go out and try to be consultants and influence things. They know how to open the doors, and sometimes that's quite legitimate, but how much influence do they have and is it good for the process?

1630

If you talk to people on the street in the Niagara region, they have a sense that's something's wrong and they want to see that kind of independent inquiry, independent investigation. It doesn't have to be a long one. It can be very focused, very straightforward. If they came to that conclusion they'd be delighted, they'd be happy to see that. This government wants to avoid that.

I see the government moving more and more into gambling with the charity casinos. I lament them. I know the sense of excitement that some communities have at the thought of having a casino. Business people are in competition all the time. They're hardworking people and, as some of my friends on the other side have said on many occasions, they often mortgage their houses and put their lives on the line for their business, to take that chance. I'm going to tell you if you get these charity casinos in, people are going to have less money to spend on other things. What will happen is the people will just go to the casino. So if you're running a store, say a retail store, they're going to have less money to spend in that store. If you have a service that you run, some kind of service industry that you run, they'll have less money to spend on that; less money to spend on the family, perhaps less money to spend on restaurants, going out for meals and so on.

I saw some interviews of people in Orillia where Casino Rama is. The business people in Orillia thought that was going to bring a lot of business. They interviewed them and they said, "It hasn't; in fact our business has probably dropped off." They have the buses come into the casino, they play whatever they play at the casino, whatever games are there, and then they take off. That's my concern, that money could be spent productively, could be invested productively in other things.

Then you see people who are committing crimes that they wouldn't otherwise commit. I'm not going to get into names and addresses or anything, but in my own region I have seen people, for instance, who have committed bank robberies — these are people who wouldn't normally be bank robbers — addicted to gambling; people embezzling funds from their place of work. I'm sure thinking they're going to win some time and be able to put those funds back in; people who go home and are miserable because they've lost, and the family violence comes from that; people who simply blow the paycheque at the local casino.

You see, the difference between one, say, in Windsor and Niagara Falls, the tourist casino which is an attraction to many people to a tourist area, people coming from all over, and the local, so-called charity casino, or Mike

Harris gambling hall, is that you're really going to get the local people and maybe the surrounding small towns. If you think of your area, Mr Speaker, if they had one in Stratford, it may be that people from Monkton and other small towns around might come into that one.

*Interjection.*

**Mr Bradley:** Well, the people in Monkton lose some business. If you've got a few stores in Monkton, perhaps a general store or something, people have less money to spend in it, and there are a lot more problems as a result.

I hope the family values crowd within the government takes up this cause, says that we should stop. I hope that everyone on the government side says: "Let's have an independent inquiry into the Niagara Falls situation. Let's clear the air. Let's see whether the accusations of conflict of interest are valid. Let's see whether there was inside influence. Let's see," as the member for Welland-Thorold says, "if there were political payoffs of some kind or other. Let's have an inquiry to have a look at that."

I'm prepared, as I say in this House, to accept whatever results come from an independent, objective inquiry. I'm not prepared to accept the Ontario Casino Corp investigating the Ontario Casino Corp. I don't think that's the kind of objective evaluation that we would like to have.

I'd like to save some time for my colleague from Agincourt who wishes to speak on this as well.

I would say that the waste of money that we're seeing, that we could see, would be as bad as bad as — and you probably got this at your house, Mr Speaker, at home. This is something put out by the Ontario Jobs and Investment Board, headed by David Lindsay, who used to be, you may recall — although to be fair, it was before you were here — the adviser on media and public relations for the Conservative caucus. He was a Conservative candidate. He was Mike Harris's principal secretary. He sent this pamphlet all over Ontario. Do you know how much this cost? Three quarters of a million dollars. What does it contain? It contains nothing but political propaganda, blatant political propaganda paid for by the people of this province.

Then last week, I got back to St Catharines, I looked in my mailbox and I'd got something else in my mailbox from the Conservative Party; I thought it was from the Conservative Party. I said: "Okay, that's all right. If it's the Conservative Party sending it out, that's quite reasonable." But I find out that it's a political propaganda piece, almost three quarters of a million dollars, paid for by the taxpayers of this province, whether they support the Conservative Party or not. I know that some of my Reform Party people back in St Catharines, who write letters to the editor about government waste, will be writing letters to the editor about this. I'll be looking for them. All this is is Conservative propaganda.

**Mr Gerry Phillips (Scarborough-Agincourt):** And you get a mailing list.

**Mr Bradley:** And you get a mailing list, because it says in here, "Please respond." So you get a mailing list to send out to more people.

The clever people in the Premier's office say, "Hey, we're really smart." And some of the members of caucus



say, "This is great stuff." And other members of the caucus say: "Why did we get involved in this? We're the party that's supposed to be saving money. We're the party that believes in integrity in government."

I know my friend Mr Ford was probably saying behind closed doors, "This is a wasteful expenditure." I know he would say that, because that's the kind of person he is. He is a frugal person. He is a person who has spoken out in this House about wanting to save money. So I am confident my friend Mr Ford and his colleagues would be objecting to this. Now Guy Giorno would think this is great. But there it is, Tory propaganda, and this government was going to be different. This is the taxpayers paying.

**Mr Ford:** I would like to take a comparison of your expenses.

**Mr Phillips:** Ford doesn't like that thing, I know that.

**Mr Bradley:** I know he doesn't like it. I thought if the Conservative caucus paid for this out of their caucus fund, or if the Conservative Party paid, well, how could I object? But this is the government of Ontario — all taxpayers — paying.

So I was not surprised when I saw the legislation coming in after to Americanize the political system that we have in Ontario, by, as I refer to him affectionately, Governor Harris, because that's what they do in the United States. They don't call them Premier, they call them Governor. Since we're so Americanized now, I call him Governor. It's not a disparaging remark, it's an affectionate remark — Governor Harris.

I want to share with my colleague from Agincourt just a little bit of time so that he can make some of his points. I urge all members of this Assembly to support the resolution which is on the floor this afternoon. All it does is ask for a totally independent, objective inquiry of the bidding process in Niagara Falls, with those of us in opposition and the public prepared to accept whatever the results are of an independent public inquiry.

**The Acting Speaker (Mr Bert Johnson):** Further debate?

**Ms Frances Lankin (Beaches-Woodbine):** I am pleased to rise and speak in favour of the resolution that's been put forward by Mr Kormos, the member for Welland-Thorold. I believe very strongly that there is a need for a public inquiry into the events that have transpired with respect to the selection of the winning proponent for the Niagara casino. There are a number of reasons I support that.

I'm pleased to speak following the member for St Catharines, because he and I think very much alike on this particular issue: our concerns about the expansion of gambling in the province, particularly our concerns about the proliferation of the so-called charity casinos — he calls them the Mike Harris gambling halls — and what it means in terms of a drag on local economies, as opposed to the Windsor or Niagara casinos, which are more tourist destinations.

Let me begin by responding to the member for Muskoka-Georgian Bay. I thought he started out to do a

pretty good job of describing the importance of the Niagara Gateway project. He outlined some of the goals of that and then went on to talk about how, in 1996, the government decided to combine the casino with the Gateway project.

**1640**

I want to take a moment and just underscore the importance of the Gateway project itself, because the reason why I have considerable concern about the events that have transpired and the allegations that have been made is because the proponent who won in the end, and that the Ontario Casino Corp is now in the process of negotiating with, has put forward a bid which is the least like the requirements of the joint Gateway and casino operations, or at least, let me say to be fair, the kind of Gateway project that I had envisioned, and I spent a fair bit of time involved in this as Minister of Economic Development and Trade, with my colleague at the time, the Minister of Culture, Tourism and Recreation, when the very good, solid work was being done by people within that ministry to bring forward a proposal on the Gateway project.

The member will know that one of the concerns that governments have had with respect to tourism in the Niagara area is that there are thousands and thousands of tourists who come into Niagara, but they stay a couple of hours, on average, and spend \$5 to \$10, on average — a hot dog, a pop, or something like that — and they're gone.

The whole concept of the Gateway project was twofold. It was to encourage people to come into Niagara Falls to see the wonderful sight of the falls, but to stay in that community, to enjoy other major tourist attractions in that community, as well as — as is underscored by the name, "Gateway project" — for that to become a gateway to other tourism opportunities within the province of Ontario. For example, you spend a day or two in Niagara Falls with the various major attractions that would be afforded as a result of this gateway attraction, and you have the opportunity to also link up and then perhaps do a tour of the winery region or other tourist opportunities within the region and/or within the province. So it becomes a gateway from outside the province into the province, into tourism opportunities. That is the critically important part of this overall proposal.

The concern I have is that the actual proponent with whom the OCC are now negotiating I feel doesn't come close to measuring up to the Gateway side of the proposal. It certainly does on the casino side. I have no specific knowledge to in any way suggest there is a problem with the way in which they would operate or manage a casino. I have no information to have any concerns on that front. But I have a concern when you have a proponent who's involved, like the Hyatt, and other aspects of that group who have, for example, run a major tourism operation and convention centre right across the border from Niagara Falls. Surely this is not to prepare in Niagara Falls some side activities to help Buffalo and other communities in the United States attract tourism and attract conventions there and then they can have the side trip across to

Niagara Falls. That would perpetuate the problem we have had, so I am extremely concerned about the fact that the bid that seems to have won is the least like the envisioned combined Gateway project and casino project.

When I then look at who has been involved and I look at the fact — and it is difficult to raise names and talk about people — that someone like Mr Boddington, who was a member of the Conservative Party and a key activist in your campaign, head of the quick response team and head of the transition team and had a lot to do with hiring staff into the ministers' offices, and now he's doing lobbying work, which is okay; there's nothing wrong in that — he knows the routes in. He knows the routes through the political staff and the politicians, and it appears like he has very successfully used them. Again, perhaps that's his job as a lobbyist, but when you're not getting the best result for the province of Ontario, when it appears that those connections have resulted in a bid which doesn't meet the tourism goals of the Gateway project, I become very concerned.

The connections that have been made with Coopers and Lybrand and Mr Boddington and Leslie Noble in their early days of lobbying the government to expand casino operations in the province seemed also to have paid off when it comes to the charity gaming sector.

I hope you will understand by now that the government's proposal to replace the roving charity casinos is nothing like a charity casino any more. In fact, you have lost the ability to come under that provision of the Criminal Code. The casinos that you are setting up in these communities are commercial casinos under the Criminal Code. Those are the ones that the Premier said there would be referendums before he has any more of these. The government and the minister have often said, "These are just small, tiny ones." I'm sorry; that's not true. In Brantford, for example, they're putting two of the proponent bids together and there are going to be seven more gaming tables in the Brantford casino than there will be in the Windsor casino that exist right now. That's not some small neighbourhood roulette game or wheel of fortune or Monte Carlo night, as the government would want us to believe.

Last week a group of concerned citizens, the Ontario Coalition Against Gambling Expansion, came here and added their voices to the call for an independent inquiry. They believe the government has not given the public the correct information with respect to the nature of these charity gaming casinos, that they're in fact commercial gaming casinos, that they will not draw tourism into communities, that they will take money out of the local economies, out of local families, and that they will cause social problems that are inherent in that.

Second, they are concerned that the very group that recommended to the government to proceed with the establishment of these multiple 44 new commercial casinos in the province was the consultants that did the study for them, and guess who that is? Coopers and Lybrand, the same consulting company that has been involved in overseeing the selection process, in overseeing the develop-

ment of the bid with Mr French, who was part of the group with Leslie Noble and with George Boddington, who did the early-on lobbying to have expanded gambling. I guess they got what they wanted. I guess they were successful. It came through a back door; it came under the cloak of charity casino gambling, which we know it's not, but they got their expanded gambling. So they were influential in that.

We fear they've been influential with respect to these other aspects. When we see the loss of the very important Gateway part of the Gateway-casino project for Niagara, we are sorry for the loss of that tourism potential, not just for Niagara but for the rest of the province, but we also, in looking at the involvement of the people and those names that keep cropping up, see that something looks amiss. The only way this can be cleared up at this point in time is if there is a public inquiry.

It's not just members of the Legislature who are calling for that public inquiry. All sorts of people in the Niagara region who are very concerned about the outcome of this have been very clear they want a public inquiry. Now the Ontario Coalition Against Gambling Expansion, representing people from communities right across this province, have added their voice to the call for a public inquiry. I hope today the members of the government do the right thing and vote in support of this resolution.

**Mrs Ross:** I'd like to address this issue by talking about the rationale behind the government's strategy with respect to charity gaming. I'd also like to talk about additional security provisions available with permanent charity casinos. I want to begin by outlining for you the problems that existed, our solutions and the response of our stakeholders.

Roving Monte Carlos have proven to be impossible to regulate effectively. They weren't working for charities; they were unregulated, uncontrolled and unsafe. The police had very serious concerns about them.

OPP staff sergeant Joe Fotia, a 30-year veteran of the fight against illegal gambling, describes roving Monte Carlos as "a den of thieves." The solution that we propose and that we are in the process of implementing involves replacing these events with permanent charity casinos. It's a policy that we'll be implementing with the support of communities across the province.

Jeff Wilbee, chair of Charities First Ontario, has said that our charity gaming policies "will go a long way to improve the security, accountability and hopefully the profitability for charities."

Change in this area is long overdue. Previous governments were aware of the problem but did very little about it. Roving Monte Carlo casinos have existed in Ontario for almost a decade. They were first introduced by the Liberal government of David Peterson. In their last full year of operation, there were almost 5,000 Monte Carlo events licensed province-wide by the Alcohol and Gaming Control Commission of Ontario. Most of these events operated for three days, for a total of just less than 15,000 gaming days. Although the business was regulated, there were significant problems, especially around safety. The



roving nature of the games made enforcement an almost impossible task. Apart from the significant concerns around security enforcement, charities were complaining about not getting their fair share of the proceeds. It's estimated that 20% of the events either broke even or actually lost money.

1650

In total, roving Monte Carlos were only yielding about \$10 million a year for charities. That was in 1996, the best year they ever had. In 1997, that amount dropped to \$6 million. Clearly, the roving casinos weren't working, at least not to the benefit of charities which were supposed to reap the rewards.

Charities turned to government for help and we responded and took action. In his 1996 budget, Minister Ernie Eves announced the phasing out of the problematic roving Monte Carlo casinos and their replacement with a network of permanent charity gaming facilities.

In February 1997, we announced that there would be up to 44 sites, some permanent, some part-time or seasonal, and all to be operated by proponents chosen through a fair, open and publicly accountable process. This new system of charity casinos offers greater accountability and security and increased revenue for charities — not just \$5 million or \$10 million, but as much as \$200 million a year.

But while we realize that gambling is a reality in the 1990s, and that it's important to respond to unsafe and unregulated roving casinos, we also realize the social responsibility that must be addressed with gambling. That is why this government has committed \$20 million a year for problem gambling, more than every other Canadian jurisdiction combined. The finance minister has also dedicated \$7 million to police officers, increasing the complement from six to 35. This increase in complement is to address the illegal gambling problems we have with gaming machines. Already, you can see that the benefits of that investment are reaping some results.

As reported in the *Ottawa Citizen* in February 1998, the OPP illegal gaming unit seized more than 200 illegal VLTs, mainly in Hawkesbury. In November 1997, as reported in the *Cambridge Reporter*, police seized more than \$200,000 in gambling machines. In April 1998, the OPP illegal gaming unit laid approximately 85 charges against 31 business owners. So we'd be hiding our heads in the sand if we didn't realize there was a problem with illegal gambling.

We've listened, we've responded and we're addressing the concerns of the people we've heard. We've heard that people don't want charity casinos, they don't want VLTs in bars and restaurants, don't want them in residential neighbourhoods, and we've addressed that. We've said there would not be any VLTs; there would only be slot machines. We've said they wouldn't be in residential neighbourhoods and we've addressed that. There will be no VLTs or slot machines in bars or restaurants. We have heard the concerns of the public.

The new system we are addressing has two key goals: increased profits for charities, a fair deal for those char-

ities involved and enhanced regulatory control. Minister Tsubouchi handled the introduction of our proposal leading to the creation of charity casinos. But once we moved away from the introductory aspect, which fell under Minister Tsubouchi's mandate as the regulator of gaming activities in the province, and into an operational or management phase, it made more sense for Management Board Chair Chris Hodgson to assume responsibility as the minister responsible for the business operational aspect of gaming.

We needed to clarify these rules to ensure that our gaming functions were carried out in a logical and appropriate manner. By consolidating our gaming business responsibilities under Minister Hodgson and maintaining regulation under Minister Tsubouchi, we have given our gaming activities a more clearly defined focus. That helps to increase their accountability.

Our government has said all along that municipalities would have the right to decide whether they wanted to host charity casinos or not. We have had expressions of support for our charity gaming policies from communities such as Windsor, Sarnia, Fort Erie, Brantford, Thunder Bay, Prescott, the Chippewas near London, and a number of others.

People in these communities recognize that our charity operations are much more accountable than anything they've seen in the past. They know that their local councils understand their needs and interests better than anyone. They are the ones who must balance local concerns over charity casinos and the charities' very real need for money.

On the regulatory side, we are imposing tough new rules. We will require a complete annual accounting for every single dollar raised through new gaming initiatives and the specific projects and programs they will fund. Under our new proposal, charities will get up to \$160 million from table games and \$40 million from slot machines. In some cases, this will be more than 30 times as much as they were getting under the old system. One hundred per cent of the net proceeds from table games will go directly to charities. Half will go to the charities sponsoring the events themselves and the other half will be channelled through a reconstituted Trillium Foundation.

An additional \$40 million from slot machine proceeds will go to provincial charitable priorities. In both cases, local considerations will be front and centre in the decision-making process. That is how communities want the system to run and we agree with them.

As you can see, our government has developed a charity gaming policy that meets all the important tests. It offers proper regulation and accountability and helps provide much-needed funding, and significantly more of it, to some of our province's hardest-working charitable groups. Charities have told us that our new system addresses their concerns.

We are committed to carrying out the charity gaming policy in consultation with our stakeholders and partners, including municipalities. We want to continue working with everyone involved to build a strong and secure

system that provides stable funding to charities while letting consumers engage in this increasingly popular form of entertainment. At the same time, we want to make sure they are safe, carefully regulated and in a controlled environment.

**Mr Phillips:** I'm glad to join the debate on the resolution calling for a public inquiry into the awarding of the contract of the Niagara casino. I say to the public that this is an extremely important issue. We are absolutely on the edge of a gambling explosion by the Harris government. They are, as the previous speaker acknowledged, about ready to introduce 15,000 slot machines in Ontario, representing an annual loss by the taxpayers of Ontario — they're going to lose in those slot machines, by the government's own calculation, \$1 billion.

**Mr John O'Toole (Durham East):** How much?

**Mr Phillips:** One of the members asked, "How much?" The government itself put the numbers out. It will be \$1 billion that Ontarians will lose every year in slot machines.

So it is extremely important that we take advantage of this opportunity to examine one of the major contracts that has been awarded on gambling to see if there were improper activities undertaken here and to set in place procedures and processes to avoid it in the future.

I'm not prejudging the outcome, obviously. But I would say, as previous speakers have said, that it is unusual. It looks very much like the bidder who had the preferred bid, the one the local people in Niagara Falls felt would have been clearly preferable to the economy of Niagara Falls, the one they were hoping would have been awarded because it would have made a significant impact on the economy of Niagara Falls — something happened, and it didn't win. The one that was clearly preferred suddenly went from what most people felt would be the logical one to receive the award, to third.

As we get into some of the information now, just filed today, I might add, you can begin to see in what I call this industry that there seems to be the potential for significant conflict. I use the example in the report that was released by the government today.

1700

Based on my reading of the report, it appears that one of the key consultants engaged by the Ontario Casino Corp, one of the key players in it that helped design the bid and helped in the interview process on the bid, was also, at the same time, working for the proponent that ended up winning the bid. We have what appears to me to be a significant potential conflict here, where an individual — and I know nothing about the individual — who was working with the casino corporation was at the same time under contract for the winning bidder, not working on the Niagara bid, I gather, but on bids that this particular individual or company was submitting in other jurisdictions.

Surely we should take advantage of this opportunity to use this as an example, where it appears to many who look at it that there is significant potential for conflict, where it appears that the winning bid was number three in terms of

preferred bidders for that area, and so I support the resolution.

Why is it important? Previous speakers have said: "Why are we doing this? To eliminate illegal gambling. That's why we're doing it." Let me just quote from a report done by the law enforcement community in Ontario that looked at this. This is an organization at the most senior level, looking at illegal gambling. Here is what they say: "...legalized gambling has never replaced illegal gambling. In fact, it complements it." The member opposite looks surprised at that. That is a police report. Therefore, if the government believes that legalizing gambling will eliminate illegal gambling, I say the experts say you're wrong. "It complements it," to use their language.

Here we have a huge project awarded, it appears, to a bidder who would have been not the number one preferred bidder for the local community and where it appears, because of the involvement of people in organizations in this, there is the potential for conflict. Surely we owe it to ourselves to have a public airing on this, and the reason is what I started out by saying, that is, here we are — as a matter of fact, we're dealing right now in this Legislature with something called Bill 15, and that's the bill that establishes these 15,000 slot machines, 44 charity casinos.

There will be an explosion in gambling in Ontario, \$1 billion a year lost on slot machines, and it's ironic to me that the government that says they are strong believers in people having more money in their pockets for discretionary spending would extract \$1 billion from individuals, many of them probably the least able to afford it. The member down here said, "It's for charity." Let me tell you, of the \$1 billion lost on slot machines, charity will get \$40 million and Mike Harris will get the majority of it. Why? Of course it's to fund the tax cut.

So here we are, just days away from approving Bill 15. For the public, Bill 15 is the bill that changes the lottery corporation, gives it the authority to set up these 15,000 slot machines in the province, and it purports to put in place the reporting mechanism for this. It doesn't do it in a particularly good way, but it purports to.

I can guarantee you that this is a swamp. I was very interested in reading the police report on this because they spell out their very serious concerns about the problems created by gambling, legal and illegal. I repeat the comment in here: "Legalized gambling has never replaced illegal gambling. In fact, it complements it. Experts indicate that introduction of new legal games brings in new players, a significant number of which yield to the lure of illegal gambling activities to satisfy their interest."

So here we are. The police organization that knows the most about this has spelled out in as clear terms as you could imagine that legal gambling does not eliminate illegal gambling. In fact, they point out that as you expand legal gambling, you suck people in and then many of them turn to illegal gambling to satisfy their needs.

Here we are, Harris about to embark on it. It will change Ontario in a dramatic way — at least 15,000 slot machines and the government has indicated more to come. It's not going to charity. If the majority of this were going



to charity, there is perhaps some potential defence of it, but of all the money, the billion dollars lost, \$40 million will go to charity.

I might add on a personal note that I find it unfortunate that to the charity organizations in Ontario doing terrific work, working hard, with community help and volunteer help trying to provide a better Ontario, the government has now said, "You have to rely on our gambling revenue for your survival." I find it unfortunate. The government has bought what I call moral protection. Frankly, many of the charities are in difficulty now because they absolutely need that revenue, it's not coming in and so they're petitioning local councils to introduce these charity casinos. Why? Because their very existence depends on it now.

I go back to what the police have said, that legal gambling does not eliminate illegal gambling, it simply fuels the interest in gambling that will lead to increased illegal gambling.

This is not in my opinion unrelated to the bill that has been introduced on campaign expenses. The public probably have little understanding of the bill, but it is a blatant, clear, deliberate attempt by Mike Harris to take advantage of the fact that he can raise gobs of money. We in the Liberal Party can't. There's no question of that. We are not the party of big business. The Conservative Party can raise gobs of money.

What happened yesterday was that the government introduced a bill — the tradition of this House is you get all-party agreement when you're going to change something this fundamental — and it will allow all parties to spend, if they have the money, \$2 million more during a campaign. Mike Harris can raise that money. He can go to a big-business meeting and raise it. We can't. It is a deliberate, blatant attempt to silence the opposition.

**Mr Tom Froese (St Catharines-Brock):** Sure you can.

**Mr Phillips:** The member says, "Sure you can." I can assure you that big business supports this group, no questions about it. We can't and the public should understand that the face of Ontario politics is changing as we speak. We are without a question of a doubt heading to the Americanization of politics in Ontario. The campaign that Mike Harris ran the last time was designed in the US by the Republican campaign organizers. It modelled the New Jersey campaign. This is just another step to the Americanization of Ontario politics.

I say to the public this will be important, because you are going to change who can run, who will be involved in politics, and \$2 million, believe me, is a lot of money for political organizations.

1710

At what we call the riding level, raising the expenditure levels from roughly \$40,000 to roughly \$70,000 is a lot of money. It is almost impossible for most candidates, other than the Conservative candidates — the Conservative candidates will have no trouble raising money; I understand that. The people in this province who are making more than a quarter of a million dollars got a \$500-million tax break from Mike Harris. They've got all sorts of

money to give to the Conservative Party. I understand that. The personal income tax cut represented a tax break of \$500 million to people making more than a quarter of a million dollars.

You can see the pattern: "We will give a break to the best-off in this province. We will expect them to reward us." Here we are coming up to a campaign where now Mike Harris will have \$2 million more to spend and he'll have no trouble raising it. You can get away with it. You've got the majority. You will ram this thing through, I understand that, but it is obscene.

I have some confidence in the basic good judgement of the population of Ontario to recognize it for what it is, and that is a party that is absolutely flush with money. They're lining up to give you money because you've given them tax breaks. I understand that and I understand that it bleeds us dry. If you want to play that game the public will understand it. I look forward to the campaign, where we will expose you for what it is.

The reason I raise it here is that we can see the risks. We now have gone from where almost anyone can run for political office and where local organizations can raise enough money to field a reasonable campaign — that's fundamentally changing and it will now be an organization rich enough to run a campaign, and we will have half the money to spend that you've got.

You may say, "Tough luck, that's just the way it is," but I would say to the public of Ontario, Mike Harris is changing the complexion of politics in the province and now we see the Americanization of politics in Ontario. If the members don't understand that, I despair, because the caucus obviously has bought this. It will end up with you being flush with money.

The reason it's important is that here we are with an example of where a huge contract was awarded under what I think are some real clouds and some of it related probably to campaign donations. It all is fitting together, unfortunately.

**Mr Wayne Lessard (Windsor-Riverside):** It's a pleasure to rise and speak today in support of the opposition day motion of the member for Welland-Thorold, Peter Kormos, because sometimes the stench gets so thick in this place that what we really need is some fresh air to try and air it out, and that's what this resolution tries to do. The cloud is so thick over what happened at the Niagara casino/Gateway project that I don't think we have a fan big enough to blow that cloud away. But what the member's motion tries to do by calling for an independent inquiry is an attempt to satisfy the public's suspicion about what happened with respect to the Niagara casino.

I heard the member for Muskoka-Georgian Bay speak earlier and he tried to relate what happened in the Niagara area casino selection process with what happened in Windsor. I was proud to be part of the New Democratic government that brought casino gambling to the city of Windsor, developed an entirely new industry for Ontario, helped to provide income for the government and stimulate the economy and create jobs. It was a process that we had

to start right from scratch. When we did that, we had to make sure we were careful to ensure that there was not only no impropriety but no appearance of impropriety. The difference between what happened in Niagara Falls and what happened in Windsor is that there were no questions whatsoever like the questions that are being raised here today with respect to the bidding process and the selection process for the operators of the casino in Windsor. That is the big difference that we're debating here today.

I had a chance to look through the requests for proposal for the Windsor casino complex and I thought that I'd like to remind people of some of the objectives that were very clearly set out in that request. It was set out that the proponents bidding on the casino complex were to meet the following objectives: to act as a catalyst for community economy development, to create jobs, to promote the tourism and hospitality industries, to establish a viable new industry in the province and to provide revenues for the province. It also had to revitalize the downtown in Windsor and comply with the city's master plan for the redevelopment of downtown and also work with the Windsor Raceway, a horse racetrack that was located in the city.

I'm proud to say that five years later all of those objectives have been met and have exceeded the expectations we all had back in 1993, when this initiative came forward, when this request was put out, without any of the questions that are being asked about what happened in the selection process of the Niagara casino.

The member also talked about who was going to be on the committee. We had a selection committee that was set up for the Windsor casino as well. The people who were on it were the deputy ministers of consumer and commercial relations; culture, tourism and recreation; economic development and trade; and finance. That selection committee was going to be assisted by experts.

The concern we have with respect to the Niagara casino is that they may have set up a committee — they did engage experts, we know that — but it doesn't seem as though they were there to provide advice or assistance. They appear as though they were actually directing the process right from the get-go. That's something that is quite different from what happened in Windsor.

Something else that was in here — I'm sure the members in the government will say that this is there as well. I would hope it was in the request for proposal for the Niagara casino, although I wasn't able to get it at the library. It's interesting that it wasn't available. I don't know who has a copy of that request for proposal. I'm sure it must be available somewhere. We tried to call the Ontario Casino Corp to try and get a copy of it as well and weren't able to get it.

Something that was interesting was that there's a provision in the Windsor request respecting grounds for disqualification. It says, "Any attempt on the part of proponents or any of their employees, agents, contractors or representatives to contact any of the following persons with respect to this RFP may lead to disqualification." Here's the list of people: any members of the selection

committee, any members of the review panel or any expert or other adviser assisting the selection committee, any ministry staff, any members of cabinet or their staff and any members of the Ontario public service. It's a pretty extensive list and it really sets up a process where there cannot be any opportunity for influence by outside lobbyists, experts, paid proponents to try and influence the selection committee process.

We have serious concerns that what we tried to prevent, which we did successfully prevent in Windsor, is what happened in Niagara. There were people in conflict-of-interest positions who were connected to proponents who may have been connected to the Progressive Conservative Party who may have been meeting with persons who were involved in the selection process. This is something that we need an inquiry to try and find out.

#### 1720

As I said, in the Windsor process, there wasn't a scent, there wasn't a whiff of a scandal, nothing. Why is it that people are asking the questions that they're asking about the Niagara casino? There was nothing but praise for the process that was followed in Windsor. There was a good reason that that process was as clean as it was, and that is because it had to be.

When we brought the casino gambling business to Ontario, we had no illusions about what sort of a business we were inviting to come into our province. That was an industry that traditionally had been operated by organized crime in the United States, and it's no surprise why. It was an illegal activity in many provinces and in many states up until quite recently, and it was very lucrative for the criminal element. Organized crime got a lot of money from the gambling business and that certainly wasn't an element that we wanted to bring into Ontario.

The government must ensure that not only were there no conflicts of interest, there was no unlawfulness, there was no illegal activity whatsoever surrounding the selection process in the Niagara casino, and that is why we're calling on this government to have an independent inquiry. It's the right thing to do, and I urge all members — the government members, Liberal members — to support the motion of Peter Kormos, the member for Welland-Thorold.

**The Acting Speaker:** Further debate?

**Mr Doug Galt (Northumberland):** Thank you, Mr Speaker, for the opportunity to respond to this resolution that has been put forward by the member for Welland-Thorold, a member of the NDP.

I'm rather disappointed in this resolution, to be quite frank. It's a very weak sort of resolution. They should have been able to come up with something better than an issue that isn't even completed yet, but at least it's a resolution they've put on the books for debate for the day.

I'm sure that all members in the third party can empathize with the government in this current debate. Even though the selection process has been open, has been transparent, it's so easy to make things appear tainted by impropriety. Anyone with a little bit of creativity can trump up a bias scenario, and I give full marks to the



member for Welland-Thorold that he has some creativity and was able to trump up this particular bias scenario. This is an attempt, of course, to embarrass the present government. I understand partisan politics and what they're trying to do. Based on the British system, in opposition it's easy to try and go about making things look bad.

I'm certainly surprised at the third party's resolution, particularly in view of the allegations that were levelled at this party when they were in government during the last term. I sincerely hope, I really do, that most of those allegations were unfair. However, they're on the books and they're in Hansard, and I think we should have a look at some of those.

We can look back at the Windsor casino when it was established under the NDP, and I just heard a moment ago the member for Windsor-Riverside saying how squeaky clean it was. First the NDP was criticized, and I think maybe unfairly, for wanting to make gambling Ontario's industrial strategy for the 1990s. It has just about as much chance of succeeding as any other strategy that the NDP would come up with.

Then they were the victims, and I underline victims, of a brown envelope campaign that's leaked to the media. Many of the allegations connected with the Windsor one were not dissimilar to the ones that they're making now. They were in the air regarding the Windsor casino, all in the particular area. The brown envelope in question contained a note from a career public servant who said he was, "upset with the bias being shown in the selection process for the Windsor casino," and he attached documents to prove his point. The documents of the day seemed to substantiate the suspicions of some unsuccessful bidders, that the fix might have been in. I can understand, with any unsuccessful bidder, that they're just a little unhappy like a jilted suitor. They put a lot of effort into it and then they find there's nothing in the end. They are just left high and dry. So they are a bit frustrated.

Some of this civil servant's memo was indeed a bit cryptic, but the conclusions could be drawn without difficulty on the implicit nudges and winks.

What's more interesting, in their inaugural throne speech back in 1990 the NDP promised whistle-blower legislation to protect civil servants who made public information on illegal or unethical behaviour. It was one of the least expensive proposals they had in that throne speech. But lo and behold, when the information about the casino selection process was made public, what did the NDP do? They ordered a police investigation within hours. So much for the protection of the whistle blowers in the civil service. So much for rooting out unethical behaviour.

**Hon Mr Turnbull:** It was an investigation of the civil service.

**Mr Galt:** Yes, it was an investigation of the civil service, nothing else.

Instead we were treated to the curious spectacle of a government that came to office promising to open up the process. Instead they were using intimidation to do the

reverse, and using the OPP, and I stress the OPP, for their own political purposes.

Now if the NDP were guilty of anything in this casino controversy, it was not just their failure to match words with deeds; it was their extraordinary ability to do exactly the opposite of what they had promised. Our government, of course, has no problem that way. We have made a habit of doing what we said we were going to do. It doesn't matter what streetcar I stand on or where I am on the sidewalk, people keep coming up to me and saying, "I may not quite agree with everything you're doing, but you're doing what you said you were going to do, and we have faith in a government that's like that."

Certainly unlike previous governments, our government has been aboveboard, it's been open and it's been transparent.

**Mr Gilles Bisson (Cochrane South):** On a point of order, Mr Speaker: I'm looking for your guidance in regards to the rules on a point of order. Am I correct to assume that a member cannot mislead the House or mislead a statement? Am I correct in that?

**The Acting Speaker:** I'm sorry, I'm not here to participate in question period. It is your position to know the rules and it's mine to judge them. My ruling is, right now, that that is not a point of order.

**Mr Galt:** Thank you very much, Mr Speaker, and I compliment you on your ruling.

Clearly the third party and the official opposition have been looking for something — they have been looking for anything — for the last three years and two days that has some sort of appearance of impropriety, and they think they're on to something now. It must be very frustrating to them to have a party in government that is just absolutely squeaky clean. It's very frustrating for them and I can empathize with them. After all, when in power, they each had their own problems.

Yes, even the member for Welland-Thorold, the author of this resolution, when he wasn't busy posing as a Sunshine Boy, had problems in his embarrassingly short tenure as Minister of Consumer and Commercial Relations. I seem to also recall a certain adviser to the then Minister Kormos who was to root out sexism in, of all things, beer commercials. It seems that he was later revealed to have been a convicted wife-batterer. What's more, the member admitted he was aware of Mr Grimaldi's, his advisor's, background. In fact the member for Welland-Thorold represented him in court when he was charged with wife assault. Imagine. And he was put in charge of rooting out sexism in beer commercials.

The member also stated at the time that he knew a brown envelope campaign was going on in regard to Mr Grimaldi. Sounds much like the Windsor casino deal, doesn't it?

1730

Of course, things got more serious for the NDP when it came to allegations of wrongdoing, when we start talking about Highway 407. Here's a construction boondoggle if I've ever seen one in my life, and I'm drawing a comparison here with a \$1-billion —

**Mr Kormos:** On a point of order, Mr Speaker: It's been some time since I posed as a Sunshine Boy. I'd be pleased to do it again, if asked. I want an opportunity to lose 10 pounds first. Thank you kindly.

**The Acting Speaker:** That is not a point of order.

**Mr Galt:** We're talking in comparison here of a \$1-million contract, signed, sealed and delivered in secrecy.

**Interjection:** One billion.

**Mr Galt:** One billion. Did I say "million"? It was a \$1-billion contract, signed, sealed and delivered in secrecy, secrecy that's never been revealed to this day.

Back in April 1994, the papers were filled with reports of —

**Mr Gilles Pouliot (Lake Nipigon):** On a point of order, Mr Speaker: I'm disappointed in the comments vis-à-vis the 407. I was the Minister of Transportation at the time. I signed the contract. It was \$928 million. It was the largest contract and job creating project ever undertaken under Transportation Ontario. There was nothing done in secrecy. Both consortiums were supervised by Price Waterhouse. The member is imputing motive. I was the minister vis-à-vis another member. He should put his job on the line. Come up with the proof, my friend.

**The Acting Speaker:** Order. That is not a point of order.

**Mr Galt:** Back in April 1994, the papers were absolutely filled with reports that three construction unions involved in a \$100,000 fund-raiser, the largest in the Ontario NDP history, had been rewarded an exclusive deal to build the province's first toll road.

A lot of the information I'm making reference to came from Hansard, came from paper clippings at the time. The member can complain if he wants. This is the background of this information.

Less than three months after the fund-raising dinner, the construction companies that signed the six-year, no-strike, no-lockout arrangement with the unions that organized that fund-raiser won the bid to build Highway 407. What a coincidence.

Then one of the bidders that was losing phoned to get some information, some advice.

**Mr Pouliot:** On a point of order, Mr Speaker —

**Mr Galt:** Could we have the clock stopped on points of order?

**Mr Pouliot:** I thank you very kindly, Mr Speaker. Most seriously, I have been in this House for 14 years. If you check the record, I have never accused anyone of being on the take or taking money on the side or from pockets. Those comments are questioning my integrity and the intent of my good character. I'm truly disappointed and I wish they would be withdrawn.

To hide under immunity does not give you the right to impute motive and to conduct character assassinations. That's going beyond the threshold, Mr Speaker: lack of decorum, certainly lack of good manners.

**The Acting Speaker:** The debate is —

*Interjections.*

**The Acting Speaker:** Order, order.

**Mr Galt:** Mr Speaker, it's obvious they're calling points of order just to waste and consume my time. They certainly don't have a point at all, and they know that.

As a matter of fact, one of the bidders who didn't win phoned in to ask for advice on negotiating: Could they come in with a no-strike, no-lockout? The ministry told them, "No."

Before the Liberals over there — I notice one sleeping — get too smug, speaking of fund-raisers, does the name Patti Starr ring a bell?

*Interjections.*

**Mr Galt:** I kind of thought it might. Maybe we'll talk about her a little later on. After all, I wouldn't want to leave the Liberals out of this interesting discussion.

Back to 407 for a few minutes. After reviewing Hansard from late 1994, I must indeed commend my colleague from York Mills, the Honourable David Turnbull, who was the critic of the day for transportation and is also doing a marvellous job today as the government whip. He had so many eloquent speeches on this whole sordid affair. Even though the NDP only sat for 29 days in their last year in power, my colleague managed to explore the situation in some detail. He wasn't very popular, of course, with the transportation minister of the day. Probably this was the reason why the government of the day only sat for 29 days in that year. They spent taxpayers' money a whole year just to sit in the House for 29 days.

I'm sure these details are very upsetting to the NDP and they don't want to be reminded of them, as we've already found in some of the responses.

The fact that the unions involved in the contract built in an agreement that the union would receive a 4% wage increase the first year, a 4% wage increase the second year, a 5% increase the third year, a 5% increase the fourth year and a 5% increase in the fifth year — a total of 23% increase over five years. This was in recessionary times.

**Hon Mr Turnbull:** What was the inflation rate in those days?

**Mr Galt:** Inflation was almost flat, 1% or 2%, but they had written in a 23% increase. Talk about pork-barrelling, which they were talking about earlier. That sure wasn't little bacon bits.

No wonder the union officials were so eager to get people out to the fund-raising dinner that threats were made to some of the development companies. Allegations were made that the unions would make life very difficult if the support was not forthcoming. This dinner was \$200 a plate. It's very obvious that they set their sights pretty low. But then, over and above that, when it was finished they had to go and give the money back to some of these people. That's an indication of guilt. They admitted guilt right there. But then they only gave it back to some people, so I'm not sure who was guilty and who wasn't and how they decided that.

At the same time the same union built a non-profit housing development at a price that was significantly higher than what it would normally cost to build that kind



of unit. The son-in-law, the union business manager, superintendent earning \$60,000, full job with the union, union car, and on it goes.

It's also interesting to note that my colleague from York Mills, the Honourable David Turnbull — he did a tremendous job in digging this stuff up — questioned the government about these alleged improprieties and asked for an investigation. The member for Beaches-Woodbine, who was a cabinet minister herself in the economic development portfolio, refused, calling the allegations "silly partisan nonsense." That's a direct quote.

Is it silly partisan nonsense when the government of the day awards the largest contract in provincial history in secret? Not only that, this project was supposed to be built using private funds. That was the basis of the RFP, the request for proposal, and yet despite all the bragging by Bob Rae, the Premier of the day, that it wouldn't —

**Mr Pouliot:** On a point of order, Mr Speaker: It's reached the point that if I wasn't on shift duty this evening I would call the member a liar.

**The Acting Speaker:** That is not parliamentary and I won't accept that kind of language. Would you please withdraw.

**Mr Pouliot:** I will withdraw and kindly substitute "most economical with the truth."

**The Acting Speaker:** I won't accept a conditional withdrawal. Just "I withdraw" would be fine.

**Mr Pouliot:** I will withdraw.

**Mr Galt:** Before the announcement on the successful bidder was made, the government changed its mind and decided to use public money instead. I all along thought it was private money, and it was only when I was in office some time in late 1995 that I actually realized they had used public money and didn't give the other bidders a chance. Can you imagine how many of these companies would have bid on the project if they had only known they could get government backing for the capital outlay? So when the opposition talks about this government acting improperly, it's absolutely ludicrous.

**1740**

Back in 1952 the government of the day, a Conservative government, established rules for contracts and it worked very well. For 40 years there was no problem. It was open. It was transparent. It had the confidence of the public until the NDP government came along. They signed in secret. They refused to reveal details to the public. The reason, they said, was that the companies didn't want the profiles of their companies exposed to the public. But what really happened was the government of the day established a gag order on all companies that were applying. As a matter of fact, the government of the day made a gag order as part of the RFP. I am sure if you look in the dictionary under "government impropriety," you'll find their picture, the NDP government of 1990 to 1995.

Time is starting to run out so I am not really going to get into the Patti Starr saga, but I would like to point out that there are also some problems a Liberal member is having. It was in the Toronto Sun yesterday. Of course I'm referring to the member for Downsview. It seems the

Liberals can't even stay out of trouble when they're not even in government.

Before the members of the opposition get too carried away making all kinds of allegations about this government, I hope it's been instructive to look at some of their own failings as a government. Our process was not done in secret. The integrity of the process was preserved. That is what you would expect from a Conservative government. After all, we brought in a clear, transparent and open tendering process in 1952 that served this province well and had the confidence of the people for more than 40 years.

I just want to wind up with about six or seven points, how this actually operated. There was a selection committee that chose the highest quality proposal and they have entered into negotiations of development and management for a casino tourism project. Each proposal had significant merit, there is no question. The selection committee had a responsibility to ensure that all the criteria would be met of the request for proposal. I understand that the Ontario Casino Corp used a selection procedure for the Niagara Falls project that was very similar to what the NDP used for the Windsor project.

The criteria were basically four points: The first was on economic development, the second was on the concept, the third was on a business plan and the fourth was on management expertise.

The fifth point was that each of these criteria would be evaluated independently by experts. Individual comments in each individual category — they had made no comments relating to the whole project, nor did they rank them. Consequently, this whole process was arm's-length and indeed they kept it that way. I am very proud they did so, that there was no partisan involvement as is being suggested by the opposition.

The Ontario Casino Corp emphasized it was important and must reveal any real or perceived conflict of interest of any of the selection committee members or any of those people providing advice. It was overseen by legal counsel.

Just imagine if the NDP had operated in their five years as this government has been operating. We wouldn't be referring to the lost decade; we'd be referring to a lost half-decade because we could never straighten out the flip-flops of the Liberals. That would always go down in history as a lost half-decade. But the NDP came along and completed it, with the other half-decade. If they had just sort of paid attention to the kind of government we have, we would have only had half a decade that would have been lost.

I appreciate the time to respond to this resolution and I am certainly very opposed to the suggestion of the member for Welland-Thorold on this particular resolution.

**Mr O'Toole:** I appreciate the opportunity to join my colleagues from the government side, the members for Muskoka-Georgian Bay, Hamilton West and Northumberland, whose comments have just been made on the record.

In my riding of Durham East, I think the members would probably know very well —

*Interjections.*

**Mr Pouliot:** Sleaze.

**The Acting Speaker:** Order. I can't have that kind of language. The member for Lake Nipigon, would you please withdraw it. I'd like to give you an opportunity of withdrawing.

**Mr Pouliot:** Chair, I appreciate the courtesy and respect you in your tenure. I will one more time withdraw, in the face of confrontation and untruth.

**Mr O'Toole:** The member for Cochrane South and his comments should be noted on the record. For the record, I think he characterized himself very well.

The first issue of gambling: I can tell the House that the opposition and the third party can take full responsibility for the existence of gambling in this province of Ontario. Clearly the Windsor casino, Casino Rama and the Great Blue Heron in my riding of Port Perry all have the signature of the previous leader of the NDP government, Bob Rae.

I've seen the contracts that were made by those governments. Much of this wasn't made clear to our constituents at the time it was happening, not to mention the roving charity casinos that were problematic throughout the province, and every member of this House would recognize that. Expansion of Nevada break-open tickets and other lottery activities are here as a result of the two parties on the other side of the House. The people watching today clearly have to recognize that's where we were. Gambling is here. It has been here for years. Bingo and other informal raffles are here.

What's different, for the members watching today, is a simple activity that once again this government is taking the responsibility for, to regulate an existing activity and bring order and management to an activity.

*Interjections.*

**The Acting Speaker:** Member for Welland-Thorold, come to order.

**Mr O'Toole:** A constituent of mine, Mark Wheatley, as well as a United Church minister, Merv Russell, and others are clearly opposed to the gambling activity. For the record, I have —

*Interjections.*

**The Acting Speaker:** Member for Welland-Thorold, come to order.

**Mr O'Toole:** What is different in the 1990s is that the egg of gambling was laid in the 1990s by the other side. Our government has raised the awareness of the people of Ontario. Perhaps the opposition are trying to cover the very issue they started.

I believe it's important, to conclude my remarks, that this government is going to regulate an existing industry. We're committed to addressing addiction with commitments of over \$20 million and committed to funding charities and directing the resources of this province from gambling to the appropriate areas. It has been a privilege for the government to stand firm and steadfast in the organization of a legitimate, transparent process, whether it's at the Niagara Falls site or indeed gambling throughout the province.

I would ask the opposition — I see the leader, Mr Hampton, is here. I would hope that you would digress from openly criticizing other Ontario citizens for their particular political views and treat this issue as very serious, that the government's initiative is an issue that should be, of course, open to public review, but I question — all the suggestions you made are unsubstantiated and in my view rather critical of the citizens of this province for political reasons. Your motives are questionable. They were questionable in 1990, they were questioned seriously in 1995, and in the future the people of Ontario will give you the final answer.

**Mr Howard Hampton (Rainy River):** I have about 10 minutes to deal with a lengthy issue that has many turns and twists to it. Notwithstanding that, I'll do my best to get to the point. The point is this: The Conservative government has chosen to dramatically expand casino gambling in Ontario. It would appear, when one looks at who is involved, that friends of the Conservative Party, advisers to the Conservative Party, financial contributors to the Conservative Party all stand to benefit from the way in which the Conservative Party has organized its venture into casino gaming.

We heard from the then government House leader, Mr Johnson, about a year ago that the government wanted to be absolutely squeaky clean on the issue of the granting of government contracts and with respect to lobbyists. We remember the government House leader standing here and telling us that the government was going to bring forward very stringent conflict-of-interest legislation to guard against anyone taking financial advantage of the public of Ontario as this government proceeded with wholesale privatization. A year later we are still waiting for conflict-of-interest legislation.

1750

We also heard the government House leader say that the government was going to bring forward lobbyist registration legislation so that the public of Ontario would know who was lobbying the Conservative government, whom they were lobbying on behalf of, how much money they were being paid and what the results were of lobbying activities. A year later, after Leslie Noble, who ran the Conservative campaign, has been at the trough, after Bill King, who's the Premier's sidekick, has been at the trough, we still don't have lobbyist registration legislation in Ontario.

Why? What is the government afraid of? Why are they afraid to bring in good, strong conflict-of-interest legislation? Why are they afraid to force the high-paid lobbyists who are making so much money from this government out into the spotlight of public scrutiny? What are you afraid of? What are you afraid of when you try to pass off a document like this as an independent report or an independent investigation?

Many allegations have been raised about how this government has organized to give its political friends and its political contributors a lot of money and a lot of opportunities in terms of the running of casinos. Some of those allegations centre around the activities of Michael



French, and even in this report they acknowledge that Michael French not only worked for the government, not only worked for the casino corporation, but he worked for some of the people who are benefiting from the awarding of the Niagara casino contract. In other words, he has been playing both sides of the fence. But they say that because he wasn't there the day tenders were opened, somehow it doesn't matter.

The allegations also centre around the Latner family, and the reason they centre around the Latner family is this: The Latner family has given the Conservative Party in three years over \$90,000. Who is it that is going to get —

**Hon Mr Turnbull:** What did Local 183 give to the NDP?

**Mr Hampton:** I've struck home with the government whip. He's a bit upset.

What did the Latner family get from the Conservative government for their financial generosity? Their company has received the right to run the Niagara casino. Their company received incredible benefits under changes to health care regulations. Their company, or a company controlled by them, has benefited greatly from the privatization of home care.

Who is involved with the Latner group of companies? Someone named Leslie Noble, the executive director of the Conservative Party's election campaign in the last election and now a paid lobbyist. Who else was involved? Someone named George Boddington, another high-profile figure in the Conservative campaign, and someone named, oh gee, David Noble, who works for the Latner company, Gaming Venture Group.

Does this so-called report deal with any of the interconnections or any of the beneficiaries who are benefiting from this? No, this report doesn't deal with anything like that. This report tries to ignore all those facts. In fact, this report tries to whitewash all those things.

This isn't an investigation. This thing is a joke, and let me tell you how serious a joke it is. What the government did is, they went to the law firm that works for the Ontario Casino Corp and they said, "Send us a report on the Ontario Casino Corp." Now let me see. I write to your lawyer, who has a solicitor-client relationship with you and who is supposed to protect your interests, and I say, "Send me a report." I wonder what kind of report I'm going to get.

Let me put it to you another way. I'm concerned about the activities of Al Capone, so I write to Al Capone's lawyer and I say, "Send me a report on Al Capone." This is Al Capone's lawyer. He is bound by solicitor-client privilege to protect the interests of Al Capone. Surprise, surprise, he sends me a good report. That's what the government has done here. They have written to the lawyers of the Ontario Casino Corp.

**Mr Galt:** Mr Speaker, on a point of order: I'm wondering if it's possible for you to have a ruling on some of the comments the leader of the third party is making as they relate to trying to obtain reports when the 407 report is still held in secrecy after —

**The Acting Speaker:** Order. That is not a point of order.

**Mr Hampton:** Thank you, Speaker, and it wasn't even a good attempt at wasting time.

The reality is that this government has written to the lawyers for the Ontario Casino Corp, who are bound to protect the interests of the Ontario Casino Corp, and said, "Give us a report." This has no sense of independence, no sense of objectivity, no credibility whatsoever. Frankly, somebody should be hauled up for wasting a lot of paper, because that's what it is.

This is more a whitewash than it could ever be considered any sort of objective, independent investigation of what is going on, but what it says about this government is this: This government thinks it's okay that people who are tightly connected to the Conservative Party go out there and lobby for Conservative financial contributors, and those Conservative financial contributors get the benefit of casino contracts that are worth hundreds of millions of dollars. All of that is okay. No matter how much it stinks, no matter how much objectively it may look awful, this government says: "That's okay. This is not a problem." This is the way business will be done in Ontario under a Conservative government.

I think the people of Ontario do not accept it. I think the people of Ontario want to see good conflict-of-interest legislation. I think the people of Ontario want to see strong lobbyist registration legislation. I think the people of Ontario want to know who Michael French was lobbying for, who Leslie Noble is lobbying for, who George Boddington, another Conservative insider, is lobbying for, and I don't think the people of Ontario are going to let this pass. This stinks to high heaven, and no simplistic whitewash —

*Interjections.*

**The Acting Speaker:** Order. Mr Kormos has moved opposition day motion number 4. Is it the pleasure of the House that the motion carry?

All those in favour, say "aye."

All those opposed, say "nay."

In my opinion, the nays have it.

Call in the members. There will be a five-minute bell.

*The division bells rang from 1802 to 1807.*

**The Acting Speaker:** I would like to remind members that there's nothing wrong with taking your seats 15 or 20 seconds before the clock comes down.

All those in favour, please rise one at a time and be recognized by the Clerk.

#### Ayes

Bisson, Gilles  
Boyd, Marion  
Bradley, James J.  
Caplan, David  
Churley, Marilyn  
Cleary, John C.  
Crozier, Bruce  
Cullen, Alex

Gerretsen, John  
Gravelle, Michael  
Hampton, Howard  
Kennedy, Gerard  
Kormos, Peter  
Lessard, Wayne  
Marchese, Rosario  
Martel, Shelley

Martin, Tony  
Phillips, Gerry  
Pouliot, Gilles  
Pupatello, Sandra  
Ramsay, David  
Silipo, Tony  
Wildman, Bud  
Wood, Len

**The Acting Speaker:** All those opposed, please rise one at a time and be recognized by the Clerk.

**Nays**

Baird, John R.  
Barrett, Toby  
Beaubien, Marcel  
Boushy, Dave  
Brown, Jim  
Carroll, Jack  
Cunningham, Dianne  
Danford, Harry  
Doyle, Ed  
Ecker, Janet

Gilchrist, Steve  
Grimmett, Bill  
Jackson, Cameron  
Kells, Morley  
Klees, Frank  
Leach, Al  
Leadston, Gary L.  
Martiniuk, Gerry  
Munro, Julia  
Murdoch, Bill

Rollins, E.J. Douglas  
Ross, Lillian  
Runciman, Robert W.  
Saunderson, William  
Sheehan, Frank  
Skarica, Toni  
Spina, Joseph  
Sterling, Norman W.  
Tilson, David  
Turnbull, David

Flaherty, Jim  
Ford, Douglas B.  
Fox, Gary  
Froese, Tom  
Galt, Doug

Newman, Dan  
O'Toole, John  
Ouellette, Jerry J.  
Parker, John L.  
Preston, Peter

Villeneuve, Noble  
Wettlaufer, Wayne  
Wilson, Jim  
Witmer, Elizabeth  
Wood, Bob

**Clerk of the House (Mr Claude L. DesRosiers):** The ayes are 24; the nays are 45.

**The Acting Speaker:** I declare the motion lost.

It being well past 6 o'clock, this House stands adjourned until 6:30 this evening.

*The House adjourned at 1811.*

*Evening meeting reported in volume B.*



**LEGISLATIVE ASSEMBLY OF ONTARIO**  
**ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO**

Lieutenant Governor / Lieutenant-gouverneur: Hon / L'hon Hilary M. Weston

Speaker / Président: Hon / L'hon Chris Stockwell

Clerk / Greffier: Claude L. DesRosiers

Clerk Assistant / Greffière adjointe: Deborah Deller

Clerks at the Table / Greffiers parlementaires: Todd Decker, Lisa Freedman

Sergeant-at-Arms / Sergent d'armes: Dennis Clark

Constituency Circonscription	Member/Party Député(e) / Parti	Constituency Circonscription	Member/Party Député(e) / Parti
Algoma	Wildman, Bud (ND)	Fort York	Marchese, Rosario (ND)
Algoma-Manitoulin	Brown, Michael A. (L)	Frontenac-Addington	Vankoughnet, Bill (PC)
Beaches-Woodbine	Lankin, Frances (ND)	Grey-Owen Sound	Murdoch, Bill (PC)
Brampton North / -Nord	Spina, Joseph (PC)	Guelph	Elliott, Brenda (PC)
Brampton South / -Sud	<b>Clement, Hon / L'hon Tony</b> (PC) Minister of Transportation / ministre des Transports	Halton Centre / -Centre	Young, Terence H. (PC)
Brant-Haldimand	Preston, Peter L. (PC)	Halton North / -Nord	Chudleigh, Ted (PC)
Brantford	Johnson, Ron (PC)	Hamilton Centre / -Centre	Christopherson, David (ND)
Bruce	Fisher, Barbara (PC)	Hamilton East / -Est	Agostino, Dominic (L)
Burlington South / -Sud	<b>Jackson, Hon / L'hon Cameron</b> (PC) Minister without Portfolio (Seniors Issues) / ministre sans portefeuille (Affaires des personnes âgées)	Hamilton Mountain	Pettit, Trevor (PC)
Cambridge	Martiniuk, Gerry (PC)	Hamilton West / -Ouest	Ross, Lillian (PC)
Carleton	<b>Sterling, Hon / L'hon Norman W.</b> (PC) Minister of the Environment, government House leader / ministre de l'Environnement, leader parlementaire du gouvernement	Hastings-Peterborough	Danford, Harry (PC)
Carleton East / -Est	Morin, Gilles E. (L)	High Park-Swansea	Shea, Derwyn (PC)
Chatham-Kent	Carroll, Jack (PC)	Huron	Johns, Helen (PC)
Cochrane North / -Nord	Wood, Len (ND)	Kenora	Miclash, Frank (L)
Cochrane South / -Sud	Bisson, Gilles (ND)	Kingston and The Islands / Kingston et Les Îles	Gerretsen, John (L)
Cornwall	Cleary, John C. (L)	Kitchener	Wettlaufer, Wayne (PC)
Don Mills	<b>Johnson, Hon / L'hon David</b> (PC) Minister of Education and Training / ministre de l'Éducation et de la Formation	Kitchener-Wilmot	Leadston, Gary L. (PC)
Dovercourt	Silipo, Tony (ND)	Lake Nipigon / Lac-Nipigon	Pouliot, Gilles (ND)
Downsview	Castrilli, Annamaria (L)	Lambton	Beaubien, Marcel (PC)
Dufferin-Peel	Tilson, David (PC)	Lanark-Renfrew	Jordan, W. Leo (PC)
Durham Centre / -Centre	<b>Flaherty, Hon / L'hon Jim</b> (PC) Minister of Labour, Solicitor General and Minister of Correctional Services / ministre du Travail, solliciteur général et ministre des Services correctionnels	Lawrence	Cordiano, Joseph (L)
Durham East / -Est	O'Toole, John R. (PC)	Leeds-Grenville	Runciman, Robert W. (PC)
Durham West / -Ouest	<b>Ecker, Hon / L'hon Janet</b> (PC) Minister of Community and Social Services / ministre des Services sociaux et communautaires	Lincoln	Sheehan, Frank (PC)
Durham-York	Munro, Julia (PC)	London Centre / -Centre	Boyd, Marion (ND)
Eglinton	Saunderson, William (PC)	London North / -Nord	<b>Cunningham, Hon / L'hon Dianne</b> (PC) Minister of Intergovernmental Affairs, minister responsible for women's issues / ministre des Affaires intergouvernementales, ministre déléguee à la Condition féminine
Elgin	North, Peter (Ind)	London South / -Sud	Wood, Bob (PC)
Essex-Kent	Hoy, Pat (L)	Markham	<b>Tsubouchi, Hon / L'hon David H.</b> (PC) Minister of Consumer and Commercial Relations / ministre de la Consommation et du Commerce
Essex South / -Sud	Crozier, Bruce (L)	Middlesex	Smith, Bruce (PC)
Etobicoke-Humber	Ford, Douglas B. (PC)	Mississauga East / -Est	DeFaria, Carl (PC)
Etobicoke-Lakeshore	Kells, Morley (PC)	Mississauga North / -Nord	<b>Snobelen, Hon / L'hon John</b> (PC) Minister of Natural Resources / ministre des Richesses naturelles
Etobicoke-Rexdale	Hastings, John (PC)	Mississauga South / -Sud	<b>Marland, Hon / L'hon Margaret</b> (PC) Minister without Portfolio (Children's Issues) / ministre sans portefeuille (enfance)
Etobicoke West / -Ouest	<b>Stockwell, Hon / L'hon Chris</b> (PC) Speaker / Président	Mississauga West / -Ouest	<b>Sampson, Hon / L'hon Rob</b> (PC) Minister without Portfolio (Privatization) / ministre sans portefeuille (privatisation)
Fort William	McLeod, Lyn (L)	Muskoka-Georgian Bay / Muskoka-Baie-Georgienne	Grimmett, Bill (PC)
		Nepean	Baird, John R. (PC)
		Niagara Falls	Maves, Bart (PC)

Constituency Circonscription	Member/Party Député(e) / Parti	Constituency Circonscription	Member/Party Député(e) / Parti
Niagara South / -Sud Nipissing	Hudak, Tim (PC) <b>Harris, Hon / L'hon Michael D.</b> (PC) Premier and President of the Executive Council / premier ministre et président du Conseil exécutif	Sarnia Sault Ste Marie / Sault-Sainte-Marie	Boushy, Dave (PC)  Martin, Tony (ND)
Norfolk	Barrett, Toby (PC)	Scarborough-Agincourt	Phillips, Gerry (L)
Northumberland	Galt, Doug (PC)	Scarborough Centre / -Centre	Newman, Dan (PC)
Oakville South / -Sud	Carr, Gary (PC)	Scarborough East / -Est	Gilchrist, Steve (PC)
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Oriole	Caplan, David (L)	Scarborough North / -Nord	Curling, Alvin (L)
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Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.



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## Assemblée législative de l'Ontario

Deuxième session, 36<sup>e</sup> législature

# Official Report of Debates (Hansard)

# Journal des débats (Hansard)

Wednesday 10 June 1998

Mercredi 10 juin 1998

Speaker  
Honourable Chris Stockwell

Président  
L'honorable Chris Stockwell

Clerk  
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## LEGISLATIVE ASSEMBLY OF ONTARIO

Wednesday 10 June 1998

*The House met at 1830.*

### ORDERS OF THE DAY

#### SMALL BUSINESS AND CHARITIES PROTECTION ACT, 1998

#### LOI DE 1998 SUR LA PROTECTION DES PETITES ENTREPRISES ET DES ORGANISMES DE BIENFAISANCE

Mr Baird moved third reading of the following bill:

Bill 16, An Act to give Tax Relief to Small Businesses, Charities and Others and to make other amendments respecting the Financing of Local Government and Schools / Projet de loi 16, Loi visant à alléger les impôts des petites entreprises, des organismes de bienfaisance et d'autres et à apporter d'autres modifications en ce qui a trait au financement des administrations locales et des écoles.

**Mr Wayne Lessard (Windsor-Riverside):** On a point of order, Mr Speaker: I don't believe we have a quorum.

**The Acting Speaker (Mr Gilles E. Morin):** Would you please verify if we have a quorum.

**Clerk Assistant (Ms Deborah Deller):** A quorum is not present, Speaker.

*The Acting Speaker ordered the bells rung.*

**Clerk Assistant:** A quorum is now present, Speaker.

**The Acting Speaker:** The member for Nepean.

**Mr John R. Baird (Nepean):** I'll say at the outset of my remarks that I'll be sharing my time with the member for Eglinton and — good news for the opposition members — the member for Durham East as well. I know they'll be sitting with bated breath. I know the members would probably like to hear from the member for Northumberland because he's given a number of excellent speeches in the past. I could say I'll share my time with the member for Northumberland at the end if he has any thoughts he'd like to throw into this debate, because he always has a tremendous amount to contribute to the debates in this place.

I'm very pleased to have the opportunity to speak in the House today on Bill 16, which is designed to protect small businesses and charities. Amendments to the bill have been introduced to make the tools in the bill work better for municipalities and for taxpayers. We have consulted extensively with stakeholders and other interested parties

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mercredi 10 juin 1998

on property tax issues and this consultation began very early on in the last session of the Ontario Legislature. We consulted on Bill 106, when we held 39 hours and 10 minutes of committee time and received 99 oral submissions and deputations before the standing committee on finances and economic affairs. On Bill 149 we held 25 hours and 56 minutes of committee time and received 44 deputations, before the standing committee on finance and economic affairs.

As requested by our friends in the opposition, we held committee time on Bill 16 as well. During Bill 16, the committee hearings last week, we heard from a whole host of organizations, like Louise Verity of the Toronto board of trade. She came before the committee and said, "The passage of the capping component of Bill 16 is critical to Toronto's business community." Bob Sniderman from the board of trade said, "As a full- or part-owner of several small commercial properties and the Senator Restaurant in Toronto, I can assure you that the tax-capping provision of Bill 16 is absolutely essential to protecting over 17,000 Toronto business people."

We also heard supportive comments from the Ontario Specialty Tenant Tax Coalition, a group representing tenants right across the province in large, primarily commercial, properties. They came before the standing committee on finance and said: "We must have the protections that are inherent in Bill 16. Any threat to the 2.5% cap element of the bill I think is a fundamental threat to the viability of retailing in Ontario. So we look to you to continue to protect us and give us the benefit of that aspect of the legislation, because it's key to us moving forward."

We also had the opportunity to hear from the Association of Municipalities of Ontario. They said: "The legislative authority for landlords to pass on BOTs," the former business occupancy tax, "and business improvement area charges to tenants in gross lease situations is seen as necessary. We commend the government for incorporating AMO's previous recommendations in this area."

As a result of the extensive consultations prior to Bill 16 being introduced and then the consultations that followed first and even second reading, 16 amendments to the bill have been made, based on the input that we received from the Association of Municipal Clerks and Treasurers, who came before the committee —

**Mr Tony Silipo (Dovercourt):** Who writes this stuff for you? Surely you don't do this yourself.

**Mr Baird:** The member for Dovercourt asked who writes this stuff. The input we received from the Association of Municipal Clerks and Treasurers of Ontario was

very helpful to the government. In addition, the input of MFOA and AMO was extremely valuable. We listened, we learned and we amended the bill on 16 occasions.

**Mr Silipo:** And you ignored all of it.

**Mr Baird:** I want to depart from my written text. The member for Dovercourt had a tremendous contribution to this committee. In fact, the member for Dovercourt was the only member for about five or six amendments that the Liberals presented. The Liberals didn't even vote in favour of their own amendments. But the member for Dovercourt, as usual, was there fighting. When the official opposition was at the switch, the member for Dovercourt was there. For your left-of-centre vote, you get more bang for your buck with the NDP. There's no doubt about it. I want to acknowledge that.

**The Acting Speaker:** Back to Bill 16, please.

**Mr Baird:** These amendments we presented to the standing committee on finance further improve the bill and make it easier for municipalities to implement. We recognize that the additional committee time may cause cash-flow concerns for municipalities. We heard repeatedly from the same opposition members who were requesting committee hearings that the delay in the passage of the bill is costing municipalities vital tax revenue. This very interesting argument came up at second reading and, to some extent, in the committee hearings, somehow leaving the impression that revenue was going down the drain. That is symbolic of the view that some of the members opposite take of the taxpayers' money, that if the taxpayers' money stays in their pockets, somehow it's being wasted, because the government isn't getting their hands on it. There will be a bit of an interest windfall to hard-working property taxpayers across the province.

I note that one Liberal on the committee, as I mentioned earlier, did not even vote for some of his own amendments, which was interesting, to say the least. But again, the member for Dovercourt was there, being the real official opposition, the unofficial opposition on the committee.

We've responded to cash-flow concerns by deferring the requirement of municipalities to make local service realignment payments for social housing, for property assessment, for ambulance service, for GO Transit and municipal policing; by promising to provide municipalities with their first community reinvestment fund payments well before they have to make any payments to the province; by promising to delay the June 30 school board remittance by municipalities; and by committing to consider further requests for assistance by municipalities to deal with cash-flow issues that arise from the delay between the passage of Bill 16 and the return of the assessment rolls. These measures will limit the potential for increased interest costs for municipalities.

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We have listened to the concerns of small businesses and charities in those communities. Greg Joy, the executive director of the Ottawa Food Bank, came to see me in my constituency office and he said that charities need protection. I, along with a good number of other members

of provincial Parliament, took that message back to the minister. Mandatory protection for charities, all charities registered with Revenue Canada, is part of Bill 16. That is good news for charities.

As Louise Verity from the Toronto board of trade said: "We have consistently supported the province's efforts to introduce and modernize the property assessment system in Ontario. Not one significant study of property taxation has recommended anything other than a value-based system for business property. This is the first Ontario government since 1970, when the province assumed responsibility for property assessment, with the courage to act decisively at the critical area."

I'll tell you the concerns particularly of Toronto business owners who pay incredibly high commercial-industrial taxes as a result of a number of things. It is really important to put this issue in context. The member for Parkdale brought up at second reading debate that there are restaurants all along Steeles Avenue, I believe he said, on one side, on the north side, but not on the south side, because the taxes are so much more expensive in the city of Toronto. This situation developed over many years. Education taxes began to get out of control for the commercial-industrial sector in 1985, increasing on average 7% or 8% in many years — just out-of-control spending and taxing by school boards.

The Liberal government of the day sat by and did nothing. They were eventually encouraged to take some action to deal with these incredibly high taxes on business that were killing jobs in the province. The Liberal brain trust went to the drawing board and looked at some plans that could help provide some property tax relief for the business community in Toronto.

What did they come up with? They came up with the commercial concentration tax, a tax that whacked Toronto and the GTA, the greater Toronto area, a tax that was so bad that even our socialist friends in the NDP scrapped that tax. I want to acknowledge that. The NDP thought that tax was wrong and they scrapped it. When the NDP realizes that taxes are bad and when the NDP starts cutting taxes, you've got to know that they're very bad taxes. The commercial concentration tax, the Liberal Toronto tax, was gotten rid of by the NDP government, but still, taxes were far too high in this city, as well as in Hamilton-Wentworth and to a certain extent in Ottawa-Carleton.

What this government announced as part of the 1998 budget is that on commercial-industrial education taxes we would go down to the provincial average. That will see a tax reduction of 12% on one of the tax rates in my home community of Ottawa-Carleton. It will also see a \$400-million tax reduction for those business owners in this community. As well, there will be a significant tax reduction for enterprises in the city of Hamilton and in Hamilton-Wentworth, the entire region, which were paying far too much. It was killing jobs and that was a real concern. In my community, if one city in the upper tier taxes too much, it does hurt job creation.

There was a study released in the Ottawa Citizen not too long ago that measured job creation over a five-year



period. It found that in the city of Ottawa, with high taxes, the number of jobs created was actually negative, at 2,500, while in the city of Nepean we have seen an increase of 9,000 or 10,000 jobs over that same five-year period. As well, the city of Gloucester saw an increase in the number of jobs because the council in that municipality likes to keep taxes low, because it helps job creation, and they are creating jobs in Gloucester. That will undoubtedly be assisted by Mayor Claudette Cain and her council's decision to cut property taxes by 5% this year. That will make Gloucester even more attractive to do business in, as will the 2% property tax reduction in the city of Nepean.

Nepean had extensive debate on this property taxation issue when they dealt with their 1998 budget. There was a big discussion: Would they cut taxes by 0.5%, by 0.8% by 1%, by 2%, by 5%? Councillor Jan Harder from Barrhaven in my constituency was fighting for a 5% tax reduction. They settled, with the help of Councillor Rick Chiarelli and Councillor Wayne Phillips joining Councillor Jan Harder, and they were able to deliver a 2% tax reduction. We should acknowledge those three councillors for their leadership in trying to reduce property taxes for taxpayers in Nepean.

The real benefit of property taxes in Nepean is none of the tax dollars goes towards supporting debt, because Nepean is debt-free. That is something that taxpayers in our community have found a very important priority and they have insisted on their local representative making responsible decisions over the years. That leaves us in good standing to enter into the new millennium. It also makes Nepean a magnet for jobs, for investment and for opportunity. That's why in Nepean we're seeing substantial tax reduction for income taxes and we're seeing substantial job creation: Nortel, a \$250-million capital investment going on in Nepean, creating 5,000 new jobs; JDS Fitel is undertaking a major expansion in the south Merivale business park, and that is good news for job creation.

What we're seeing in Nepean are substantial residential construction starts. They're up. In Stittsville, just outside of Nepean, 200 new homes are being built this year. That's good news because if you keep property taxes low, that helps job creation. When you get job creation, more homes are built and more people work. That's important to put on the record with respect to these discussions.

The good news is that Mayor Jim Watson and Deputy Mayor Allan Higdon are beginning to get control of the mountain of debt in the city of Ottawa and were able to bring in a zero tax increase this year, as they begin to clean up the mess of high debt, waste and wild spending that has gone on in that community over the last generation. It's not easy, but they're finally beginning to turn it around.

Ontario's economy is booming and this undoubtedly has a strong relationship to tax measures and particularly the effort to bring fairness and equity to our property tax system. Ontario's job creation trend continued in May

with employment up by 13,300 net new jobs and the unemployment rate falling to 7.1%. That is good news.

Mr Speaker, you will know that in our community, the regional municipality of Ottawa-Carleton, we're seeing job creation come at a pretty brisk pace, unemployment falling to 6.8% after arriving at a peak of 10.8%.

#### *Interjection.*

**Mr Baird:** It was undoubtedly helped by the tax freeze brought in by the provincial government members and regional chair, in response to the member for Essex South.

Across the province we're seeing welfare reform working. From June 1995 to April 1998, the number of people depending on social assistance declined by over a quarter of a million, a drop of nearly 20%. That is indeed very good news for those individuals. We're seeing substantial job creation and a reduction of those on social assistance.

Consumer confidence remains high in Ontario for 1998. A recent Angus Reid poll showed that 44% of Ontarians expect the Ontario economy to improve in 1998. To assist in keeping business and consumer confidence high, this government is committed to creating an environment where small businesses can grow, thrive and create jobs. We are keeping our promise to protect small business from large property tax increases. Bill 16 gives municipalities the tools to implement property tax increases at 2.5% a year for three years.

I believe my municipality, both in Nepean and in Ottawa-Carleton, with our esteemed regional chair, will be able to hold the line on taxes, and that is good news for job creation.

#### **1850**

What we saw in some municipalities was commitment. The mayor of Toronto, Mel Lastman, has said that he believes that he will have no problem in bringing in a zero tax increase for each of the next three years. That was kind of funny, because we heard from representatives of the city of Toronto. It was most interesting. We had one deputation, an official from the city of Toronto, come before the standing committee on finance. I believe it was the treasurer of the municipality, I ask the member for Dovercourt, who came before the committee. She said, "Trying to guess where we're going to be in the year 2000 is very difficult." But in Toronto they have a mayor who is very easy. The mayor of Toronto has said that he will be able to keep property tax increases at zero. That is very good news. He'll do so at the same time watching taxes in his city for commercial and industrial education purposes go down by \$400 million, because finally there is a provincial government that wanted to say, "Enough is enough. This is killing jobs," and to take some action and reduce the commercial and industrial taxes.

I want to acknowledge the member for Eglinton, who was a strong advocate to finally turn that policy around and see some fairness brought into the taxation system. He argued very strongly and very effectively and did a very good job on that. The member for York East was a strong advocate of reducing taxes, because he knows the effect those high commercial and industrial taxes have in East

York and he wants to reduce that. There was finally a commitment, based on the education reform of last year, to begin to move over the next eight years to bring down those municipalities whose commercial and industrial tax rates were above the provincial average.

That will be good for the city of Toronto. It will be good for Nepean and Ottawa-Carleton, who will see a modest reduction to go down to the provincial average. It'll be very good for Hamilton-Wentworth businesses. The member for Burlington-South, who is here, the minister, knows that will be good for job creation in his community. We on this side of the House want to do everything we can do to help job creation, to make it absolutely as easy as possible for small businesses to create jobs. Small businesses are the economic engine of Canada. They're driving the Ontario economy now: 82% of the jobs created in Ontario were created by small business.

That's why one of the measures we brought forward in the provincial budget of 1998 was an eight-year plan to cut the corporate income tax for small business in half. That is an eight-year commitment. We even put it in legislation to mandate it, so that small businesses can have some confidence that those tax reductions will be there. We want to make it as easy as possible for small businesses to create jobs. That's why we got rid of the employer health tax, propose to do that by July 1, for small businesses with a payroll of under \$400,000.

We listened with great interest to small business owners from right across the province and we received a very good report from the Canadian Federation of Independent Business — the provincial policy director, Judith Andrew, who also appeared before the committee, as I mentioned earlier — research entitled, *Silent Killer: The Impact of Local Property Taxation on Ontario's Small and Medium-Sized Businesses*. This is a call to action, that government has got to do more to help small business. That's a call this government has gone to the wall to help address, because taxes are a particular strain on small businesses. We want to make it as easy as possible for them to create jobs.

The Canadian Federation of Independent Business is very helpful in letting the government and the opposition parties, and indeed each of us as members of provincial parliament, know the views of the owners and operators of small and medium-sized enterprises in Ontario. They regularly send us information. Unlike many organizations of that size, they regularly, routinely and specifically poll their membership to ensure that their advice is representative of the members they serve.

If you look at the relative tax distortions across property classes, looking at Toronto, Ottawa and London, there are just gigantic differences, which are a real impediment to job creation in certain parts of the province. That is important. That's something that creating an equitable and fair property tax system will help, reducing the commercial and industrial education taxes by more than \$500 million over the next eight years. It's putting the school boards out of the taxing business. It will stop the 8% tax increases we became used to during the Liberal

years in the late 1980s. That is indeed good news for job creation in Ontario.

We are keeping our promise to protect small business from large property tax increases. Bill 16 gives municipalities the tools to implement a 2.5% cap, and that's important to ensure that all small businesses can be protected. The 2.5% limit would also apply to businesses that lease their premises; for example, an office building, a shopping centre, an industrial mall. We know that small businesses create more jobs than any other sector, and the government recognizes the important role that small businesses play in our economic growth figures. They have been the backbone of the impressive job creation numbers we have seen in recent years. We recognize that.

We also recognize the important role that charities play in our communities, and this bill makes mandatory protection for charities, to ensure they are treated equitably by these reforms. That's incredibly important.

I'd like to yield the balance of my time to my good friend the member for Eglinton, followed by the member for Durham East.

**Mr William Saunderson (Eglinton):** I'd like to first of all thank the member for Nepean for his very good words tonight. I'd like to follow along and build on what he has said, but before I do, I'd like to just thank him for coming to the riding of Eglinton last night and meeting with some taxpayers who were interested to hear more about what he had to say, which he has gone through in the House tonight. They were very happy to have somebody from another part of Ontario come up and compare his region to the region of Toronto, so I want to thank him for coming to Eglinton.

I'm very pleased to have the opportunity to speak tonight about and in support of Bill 16, *An Act to give Tax Relief to Small Businesses, Charities and Others*, and there are many excellent proposals in this bill, but I want to speak first to the provisions affecting the small business community in my riding of Eglinton.

Eglinton has a large and diverse small business community; in fact, the member for Nepean and I drove through that last night. We're talking about Yonge Street, Eglinton Avenue, Mount Pleasant Road, Bayview Avenue, to name just a few. These are shopping areas which not only serve the local community but also attract clientele from well beyond the local neighbourhoods, in other words, from all around Toronto. These neighbourhood shops provide a focus for the community. Eglinton riding is representative of many communities in the city of Toronto. Indeed, Toronto is known as a community of communities. We're proud of those communities. We want them to continue.

These small businesses are the backbone of any community. They help to make Toronto the kind of community of which Ontarians are so proud. Last winter, when the new assessments were released, I heard from many businesses in my riding of Eglinton. Many of them expressed concern about the impact of possible property tax increases on their operations. I believe they understood the need to address the imperfections of the former, outdated



property tax system, and they were willing to pay a reasonable fair share. In our conversations, I assured all of them that the Minister of Finance and this government were both committed to protecting the small business community from unfair tax burdens.

Indeed, I visited many of these businesses in my riding, and I attended meetings with some of the business associations, at all hours of the day. In this connection, I was particularly impressed by and want to mention Davis Hardware, which is located at 3231 Yonge Street. It is run by Norm Davis and his son-in-law Ian Sone. Davis Hardware is the quintessential small business retail shop. With two employees, it is one of the last real old-fashioned hardware stores in Toronto. I think you know the kind I mean. It's the place where you can buy nails by the pound rather than buying them in a sealed package. However, Davis Hardware is a progressive store and one that uses current marketing practices to attract people into the shop. You would be impressed to see the kind of work they are doing. Shops like this are the backbone of Eglinton riding. I have lived in Eglinton riding since 1961. I have watched businesses like Davis Hardware and many others like it grow. I think it is important that we have listened to them in this whole process.

#### 1900

I was distressed to learn from Norm Davis that his taxes would increase from \$8,000 to over \$40,000 per annum with the new plan. He was prepared for a reasonable increase, but he told me that he could not remain in business if this increase came into effect. Small wonder that he felt that way. This is typical of what I heard from my small business community. So I was determined, just as the member for Nepean was, to work towards some realistic solution to this assessment problem. I should add that all the members of our caucus from the greater Toronto area were certainly involved and concerned, as I was.

Along with these other members, we met to discuss the situation and then we met with the Ministry of Finance to seek some relief for our constituents, to eliminate the difficult problem that Davis Hardware would have had, had things not been changed. But I was pleased that we were listened to and that changes were proposed.

I would like to add that it is not the small business community that created the imperfections in the former property tax system, for these are hardworking operators who have carried more than their fair share of the tax burden for years, without any complaint.

I am pleased to say that Bill 16 addresses fairness, reason and small business entrepreneurship. Those are characteristics in business which I admire greatly.

I want to give you another example of how this government listens and responds. There was extensive consultation with municipalities and stakeholders' groups as Bill 16 was sent to committee for hearings on June 3, and a number of amendments were proposed. As mentioned earlier, the government filed 16 amendments to Bill 16. I guess it's 16 for 16, in baseball parlance. Many of these amendments were in response to concerns expressed by

municipalities and stakeholder organizations. Indeed, there was a good discussion as we went through these amendments. So the government is listening and it is responding.

Bill 16 provides all municipal governments with the tools to protect small businesses in a way that reflects local priorities. Municipalities can choose to cap the tax increases on all business properties to 2.5% per annum for three years. Municipalities which do not apply the 2.5% limit will be able to rebate property tax increases for businesses in the commercial and industrial classes.

This is exactly how the democratic system should work. Since the legislation was introduced, the government has been working with municipalities to implement property tax reform in a fair and manageable way. The bill provides additional measures to manage the transition and to provide enhanced protection for small businesses and charities. In other words, the government proposed, the government listened, and then it made changes to proposals based on considered reflection. This is the established framework of political debate, which I have been proud to be a part of since being elected slightly more than three years ago.

I also want to speak to the provisions for charities tonight. There are many charities that have their headquarters in my riding of Eglinton. I have met with a number of these organizations and I'd like to tell you just a few of them. The organizations that I'd like to cite include Youth Assisting Youth, where young people help other young people. I've also met with the Anne Johnston Health Centre. Named after one of our distinguished Toronto councillors, it is a health centre that provides good health counselling for the membership of Eglinton. The Geneva Centre For Autism: Autism is a very damaging disease not only for a child, but also for the family of that child. Also, Mood Disorders: I've been told that we spend about one third of our health budget on mental and other disorders related to them, and I think it's important that Mood Disorders exists in our riding; it is the headquarters for this great organization throughout Metro. The Delisle Youth Centre is a haven for children from homes that have caused trouble for these children, and the Delisle Youth Centre provides a great service to these young people. They come from all over Ontario, not just Toronto.

These organizations need a provision to allow them to control their overhead and focus on the delivery of the essential services they provide.

Fortunately, Bill 16 gives municipalities the tools to assist these charities and others by either capping the property tax increases for them to 2.5% for three years or providing mandatory property tax rebates of at least 40%. This is good news for these charities. Also, I'm pleased to see the amendment allowing municipalities to rebate taxes to charities located on residential property, because they are not always where we find shops.

Landlords of commercial, industrial and multi-residential properties also came to me to express their concerns. Some of the properties represent the lifelong savings of these owners, providing retirement income. This is where they have made all their investment, in these

properties, and to deprive them of a proper rate of return with a very high tax would really put them out of business and drive them to the poorhouse. I'm pleased that this bill proposes a 2.5% cap for these small businesses as well as the others.

Obviously Bill 16 addresses many of the concerns that my constituents in Eglinton have voiced to me.

Although not in Bill 16, the government proposed in the 1998 budget to cut business education taxes over eight years in municipalities with above-average business education taxes. In 1998, the industrial tax for education in Toronto will be cut by \$14 million and the commercial tax by over \$16 million — further aid to business. By 2005, there will be a cut of over 50% in the industrial tax and 25% in the commercial tax, a saving for Toronto businesses of more than \$402 million out of a total cut, province-wide, of about \$500 million. Toronto is being well looked after with these changes.

Despite these huge reductions in education property taxes, funding for education will not suffer.

The government is also proposing to increase grants to school boards to offset the impact of cutting education taxes. This would ensure that adequate funding for education is maintained. That is very important in Eglinton riding, just as it is in all parts of Ontario.

In the 10 lost years, from 1985 to 1995, under Liberal and NDP governments education taxes in Ontario went up by a staggering 87%. On February 5 this year, Finance Minister Eves announced that these taxes were frozen after many years of increases. Now taxpayers are actually going to see some significant reductions. Relief at last. Once again our government is showing its commitment to economic growth and opportunity.

In my role as chairman of the Ontario International Trade Corp, I have heard from businesses across Ontario as well, because they know that if they're going to be able to export, these small and medium-sized enterprises would have to get the tax relief about which I am speaking tonight.

As an aside, I would like to thank members from both sides of this House who have spoken in support of the Ontario International Trade Corp's initiatives during recent debates. I'm pleased to hear this consensus on the need to encourage and develop a stronger trade focus.

#### 1910

Ontario's 300,000-plus small and medium-sized businesses make up 96% of the companies in Ontario and they create well over 80% of Ontario's new jobs. They always have and they always will. This is consistent throughout Canada. Small businesses are the backbone of this country and of the jobs that are created.

These companies need a fair and equitable tax system to compete with businesses in other jurisdictions.

The 30% cut in the provincial personal income tax rate, once fully implemented, will inject a total of \$1.2 billion into the economy of Toronto. The last instalment of course will come into effect in July of this year. Toronto is being well considered by this government.

With only three budgets, the Harris government has implemented and proposed a total of 66 tax cuts. This is in stark contrast to the 65 tax increases that were carried out and presented in the 10 lost years of Liberal and NDP government.

We have just had a task force to give further direction to the Ontario International Trade Corp. One of the things that was consistent from all sizes of companies that we spoke to, and we spoke to many, was the fact that we had to have lower taxes at all levels to be able to compete and attract investment into this province. Not only were we talking about corporate taxes, which by the way are now commencing to be reduced over the next eight years, but of course in the personal tax rates as well.

We know if we're going to hold our brightest and our best minds in this province, we're going to have to have lower personal taxes. That is one of the reasons we're seeing such good job creation by this government, because by lowering the taxes our young people are staying and filling the jobs that are out there for them. We do not have enough trained people in science and technology, and the companies we spoke to during the task force's hearings will be very happy to know that as a result of the last budget more people will be trained to fill the high-technology jobs that remain at present unfilled. That's again an example of this government listening to the suggestions of the business community. After all, without a strong business community, this province will be hindered, so we are very pleased that this is going on.

Between 1990 and 1994, 4.8% or 5% of the jobs in the greater Toronto area were lost. That's 8,000 jobs in 1994 alone, as an example. Since the end of 1995, there has been an increase of over 130,000 jobs in the GTA. That's approximately one third of all the jobs created in Ontario since we were elected in 1995.

In conclusion, we often hear that Ontario is the engine of Canada's economy. By the same token, Toronto is the engine of the Ontario economy. The Harris government, the government I'm proud to be a member of, is determined to keep Toronto's economic engine running smoothly and will continue to do that in the ensuing years.

**Mr John O'Toole (Durham East):** It is indeed a pleasure to follow the member for Eglinton and the member for Nepean, both of whom have made very insightful remarks. I would perhaps defer to them, being a bit more of a layman in discussion on third reading on Bill 16. We should understand that the legislation is of course an amending piece of legislation. Some might argue that these amendments were perhaps oversights in the original drafting, but it could also be interpreted as our attempt to respond to input from a variety of stakeholders. Indeed, all governments should do that. The member for Eglinton clearly indicated that during the public input period just recently there were 16 amendments passed, and those amendments of course will be incorporated in the bill we're debating tonight.

As a preliminary, just to outline the bill, its primary objective is to amend the Assessment Act, the Municipal Act and other statutes related to local government



financing, and most of the amendments provide measures to deal with the changes in the property tax system, the Fair Municipal Finance Act and the Fair Municipal Finance Act (No. 2), two previous bills.

It would be well recognized that with a whole new assessment system in Ontario and a whole Who Does What activity and trying to determine a fairer tax assessment system, any rational government would have to respond with amendments. I suspect that much of this bill in its amended form will indeed do that.

For the viewer, it's important to recognize that the Municipal Act is amended by adding a new part which will restrict the changes in property tax classes for school and municipal purposes for certain classes, and that will be consistently rung in over an eight-year period starting in 1998. The application of the new part will be determined by the will of the local municipality or the upper-tier municipality. It's their choice. There is no requirement to do this, but many in the business community were saying that these changes were needed.

You have to look back a bit at what other changes took place in the small business community. The business occupancy tax: AMO and other organizations throughout the province had for years suggested that was an out-moded tax, that the tax had to be streamlined and the classifications within that. Eventually, the government decided to roll it in and give the option to spread it over the existing total tax base or spread it among the business property tax classes. So we've amended the number of classes and subclasses: large plazas, strip plazas and small plazas and other kinds of subclasses within a particular class, which I think is appropriate.

There was another small group which I heard from in my riding. I am sure all members in the House on all sides would speak to their mayors. I spoke to the mayors of all six or seven municipal areas within my riding of Durham East. More importantly, I chaired four budgets while in my time in municipal office, so I am well familiar with the treasurers. I met with the treasurers and the treasurers were bringing information to me. I would bring that kind of information and concern to the minister. I am sure all members were doing that, with the amount of change that is going on.

I met with the business owners, the chambers of commerce and board of trade people. I'd like to mention a couple for those who may be viewing tonight. The most important, right down at the very grassroots of Main Street business, I'd have to remember the BIAs, the business improvement areas, the downtown areas of all of downtown Ontario.

Ron Hooper has been a friend for many years, a small jewellery operation, a family operation, and provides excellent service in Bowmanville. Ron is the chair of the BIA in Bowmanville. In Newcastle village, a very old village in my riding, we have Ron Hope, who has a small complex variety store there, a small business. He is president of the BIA in that community. Murray Taylor from Orono — many of you would be familiar with Orono as you're going up Highway 35, 115. Drop in to see Murray

Taylor. He has a small hardware operation there; it carries everything from nuts and bolts to perhaps even lottery tickets. Also, there's Gareth Grainger from Port Perry, a great community. The downtown area of Port Perry is famous, certainly all over the GTA. It's a destination point for people on weekends to go to downtown Port Perry with some of the finest — in fact, we had the marketing of the year, the old port business down there.

All those BIAs were saying to me, "You've eliminated, through changes in the tax structure here, the business improvement area levy," a very serious problem for them. Many of those businesses are tenants; they don't own the buildings. So the landlord then became responsible for collecting the BIA levy in the form of tax.

I can understand that the municipalities used to every year, when businesses operating a little video store or whatever went out of business — they were renters. It wasn't a tax, so they couldn't collect the money from the business owner; it was collected from the business operator. So it was lost revenue for the municipalities. The BOT, the business occupancy tax, was also paid by the business operator, so when they went out of business and went bankrupt, there could be no claim put on the property for taxes.

That's what this change is about. It's a very technical thing, but AMO has wanted it for years. The member for Kingston and The Islands would know that. When I was on municipal council, I wanted it. Now I'm in government and we're doing it.

## 1920

Is it going to be a complex arrangement of how that new revenue is picked up, shared and who pays it? Of course, and that's what Bill 16 is all about. I don't think any members here would disagree with some of those technical amendments.

I've got a couple of very important letters that I'd like to put on the record. I've got statements of support here from AMO, from Alex Ling, president of the Toronto Association of Business Improvement Areas. We were just talking about that. He says: "We're very happy that the Minister of Finance made the announcement of the 2.5% cap. We believe that if our business goes up because of the updated assessment we should be paying increased taxes. However, we also recognize that those who are in line for a large amount of decrease should be entitled to some relief."

He sees the fairness of that. What we have provided is a way to make the transition from where we are — that is, the tax they're paying today — to streamline the amount that will go up by 2.5% and similarly the amount that will go down. So there isn't a great loss of revenue for the municipal centre, whether it's Toronto or Durham East. It could be Oshawa, it could Whitby.

I've talked to the mayor of Whitby. There's a hard-working mayor. He wants to hold the line on taxes and I've heard him say it. Mayor Brunelle from Whitby is certainly a person I've worked with as a local councillor and is now mayor there. He is to be championed, trying to hold the line. Mayor Moffatt from Scugog is another

mayor trying to hold the line. They want to hold the line at all costs. They realize that taxpayers are already up to here.

**Mr Doug Galt (Northumberland):** Wasn't he an NDP candidate?

**Mr O'Toole:** I believe he was a member here. Mayor Moffatt was a member in this House, so he knows. He has the rational thinking from the years of sitting as an NDP member that businesses aren't all rich. Our province is made up of small people with small businesses, working hard, so I believe he's supportive of no tax increases. I wouldn't want to quote him, but that's the impression I get. He is trying to hold the line.

I am confident that Mayor Diamond from Oshawa, a large centre all of us know, is trying to hold the line on taxes.

It could be argued that every person here is a tax-fighter, but none more important than the Minister of Finance, Ernie Eves, and our Premier, Mike Harris. He is known as the true taxfighter.

What kind of support are we getting? It's broad, extremely broad.

I'm going to discuss for a few minutes the importance of the BOT, the business occupancy tax.

**Mr John L. Parker (York East):** AMO wanted that gone.

**Mr O'Toole:** A good point the member for York East is making. The member for York East often chirps in with extremely insightful comments.

This says: "The legislative authority for landlords to pass on BOT and business improvement area charges to tenants in gross lease situations is seen as necessary. We commend the government for incorporating AMO's previous recommendation in this area." There it is, very clear, from the AMO organization, and I've heard other organizations say precisely the same thing. It's not just the chambers of commerce, but people of all political stripes have said the BOT had to be rolled in. We're working through some changes in that area.

But I would say, from all my discussions, that not all mayors have caught on to the game. Some mayors still think it's tax and spend. But eventually the electorate decides what kind of leadership they want in their community. I appeal to every person, if anybody tells you they are going to increase taxes — they never tell you that. They say they're going to increase services. Over the next few months, perhaps 18 months, you'll be hearing various political positions from a provincial perspective, saying: "We're going to promise this. We're going to improve the number of teachers and nurses and doctors and hospitals." But they'll never tell you about the other side of the ledger.

Mr Speaker, with your permission, I am going to quote — it's not word for word, but the leader of the NDP was quoted saying a few weeks ago, "Don't trust the Liberals."

*Interjection.*

**Mr O'Toole:** I don't know. He said it. I'm trying to abridge it for those who are watching today.

I'm disappointed that the Durham region most recently, in reading the local press — I've talked to Roger Anderson, the chair. I believe he's a fairly fiscally prudent young fellow. He's about the same age as I am, so he's a young fellow. All compliments to Roger. But I'm a little disappointed. It's my understanding they've decided to have a tax increase, and I am extremely disappointed.

I'm just waiting for the other shoe to drop. For example, I knew they were over budget in the police services budget by some \$400,000 and there were a few over that —

**Mr James J. Bradley (St Catharines):** I'm telling the commissioner.

**Mr O'Toole:** This is the old police commission, though, that didn't really work, I suppose.

The increase I think isn't just that. Other services, perhaps, are being added. I think that's what the people have to ask: "What are we adding?"

I noticed in the paper today that they're going to spend I believe it's \$125,000 for another study for a dump site or for handling waste. That must be about the fifth study they've had since I've been around. I was reading one of Mayor Hamre's comments. She said that it would be \$125,000 worth of waste. So there you have a mayor who realizes you can't spend more money. You can't just tax and spend. The people are up to speed on that.

I've got a couple of other notes here that I wanted to refer to. I was interrupted there basically —

**Mr Bradley:** That Guy Giorno prepared.

**Mr O'Toole:** Well, actually, I think the government legislators prepared this. I'm reading directly from the act. This is one of the sections. It says:

"Property taxes are determined using adjusted mill rates" — they call them tax rates now — "based on the 1997 mill rates with adjustments to reflect certain reductions in municipal taxes. The adjusted mill rates are applied to the assessments on the frozen assessment listings to determine the 1997-level taxes. Adjustments are then made to phase in 1998 tax changes. Tax increase phase-ins are limited" — and here's the key — "to 2.5%...."

That 2.5% is the security that the business —

**Mr Bruce Crozier (Essex South):** What page?

**Mr O'Toole:** This is just the introductory section. You mean you haven't read this? I'm surprised the member for Essex South hasn't read this, or at least he can't find it. It's the first page. The first page is often very instructive.

The point I'm making is that the phase-in gives the small business operator some confidence in this transitional phase of tax change in Ontario. I'm going back to the very fundamentals of not only this bill but this government. We are not about increasing taxes. You can count on it.

**Mr John Gerretsen (Kingston and The Islands):** Why are you allowing a 2.5% increase?

**Mr O'Toole:** Pay attention. Member for Kingston and The Islands, I would ask you to pay very close attention.

**The Acting Speaker:** Member for Kingston and The Islands.



**Mr O'Toole:** You can trust the Premier of this province to not increase taxes. That's not his solution to all problems. It may be the solution for the leader of the Liberal Party and the leader of the NDP, to simply spend more money to solve problems. That formula's been tried, member for Kingston and The Islands, and it's clearly put us into \$100 billion of debt.

This solution here is working with the partners. The bill that we're discussing tonight, Bill 16, is a very serious working together on the amendments to the Assessment Act, the Municipal Act and the Municipal Finances Act to ensure that we indeed adjust the mill rates and the tax rates for small business.

Mr Speaker, with your permission and the permission of the House, it's indeed my great pleasure to share some of my time, although I should have given him more, with the member for Northumberland, because this member here spends so much time working on every piece of legislation that I have to share my time. Respectfully, the member for Northumberland.

1930

**Mr Galt:** Thanks to the member for Durham East for sharing his time. I did want to make a few brief comments on Bill 16, a very important bill, one which the government is adjusting and changing because we've been listening to the public. Not only have we been listening to the concerns of the municipalities, but this government has been responding.

I know it's upsetting to the opposition to see that the economy is booming, that jobs are being created and taxes are down. Good news must come really hard for the member for Kingston and The Islands, because I notice he hasn't brought to our attention from Kingston This Weekend, the May 16 edition —

**Mr Baird:** What does it say?

**Mr Galt:** It says — it's slightly outside of his riding; it's probably in Frontenac-Addington — a \$40-million expansion to the Cataraqui Town Centre includes 30 new stores. He never brought it to our attention. I'm surprised, but on the other hand I guess it's upsetting for him to have good news. I just wanted to bring it to the people in Kingston. It's 30 new stores, 210 man-hours of construction work — that should be people-hours, of course. It's just an excellent article. I expect the member for Kingston and The Islands hasn't been reading the local newspapers and has missed it. I just wanted to bring that to his attention.

I think one of the important parts of this bill —

**Mr Gerretsen:** On a point of order, Mr Speaker: I would like the member for Northumberland to know that I read my local newspaper each and every day.

**The Acting Speaker:** That is not a point of order. Member for Northumberland.

**Mr Galt:** Thank you very much, Mr Speaker. I appreciate your ruling.

I did want to make a couple of comments about the charities and recognizing charities in this particular bill. I think that's an important part, to rebate the taxes that charities are paying.

I was responsible for the fund drive for the United Way in Northumberland county back in the fall of 1993, a tremendous organization. I've been a Lion for over 30 years. The organization is very involved with CNIB and raising funds for them.

Things like food banks — when they have space, they deserve to get those taxes back. This bill will guarantee that they'll get at least 40% back, and the municipality could increase it right up to 100%. No tax increases for charities, no taxes for charities, is the position that we could be in.

In winding up, I notice the member for St Catharines does a lot of talking about this little booklet, *Are We on the Right Track?* I can tell you that with Bill 16, we are on the right track. Because of this going out and the public getting a chance to see, "Are we on the right track?" they are convinced that we are. I regularly hear that we are on the right track in many respects, particularly as it relates to adjustment in a bill like Bill 16 to recognize the taxpayers, those who have property.

Some are bit concerned about the market value assessment. This is a government that had the intestinal fortitude to bring it in. It's fair. What's fair is fair. But during the transition period we do have to recognize that some of the taxes might go up quite a little bit. This bill certainly recognizes and accommodates those changes so there's not a sudden jerk in the taxes.

Because of this, I'm extremely pleased to be able to support Bill 16 in its third reading and look forward to its successful passage.

**The Acting Speaker (Mr Bert Johnson):** Comments and questions?

**Mr Bradley:** I was glad that the member for Northumberland mentioned the political propaganda in his speech. The people of this province should know when they receive this pamphlet that it cost three quarters of a million dollars to produce and disseminate this across Ontario. The member mentioned that in his speech.

It is blatant political propaganda. That's all it is. If it were paid for out of the ample coffers of the Progressive Conservative Party, the coffers overflowing with dollars from developers and other very wealthy people in this province who are thanking the Conservative Party for gearing their policies to the wealthiest and most powerful people in the province, if that were paid for by the Conservative Party, then one might be prepared to accept it.

This is simply a pamphlet paid for by the taxpayers of this province, along with another pamphlet that came out about a month ago. This came from the Ontario Jobs and Investment Board. The head of that board is the former principal secretary to Mike Harris, a former provincial candidate for the Conservative Party, the person who was in charge of communications for the Conservative caucus, who is now disguising himself as a civil servant, supposedly objective. If this is what he is producing, this again is blatant political propaganda from the Conservative Party.

I think the Conservative Party should pay back to the people of this province the amount of money it cost, three quarters of a million dollars for this one, three quarters of

a million dollars for that one, for blatant political propaganda. This is not the kind of information that people need to conduct their lives; this is Mike Harris digging into the wallets of the people of this province to make himself look good, and that's all it is.

**Mr Gilles Pouliot (Lake Nipigon):** I did enjoy the contribution from the members for Nepean, Eglinton, Durham East and Northumberland. They appear to be in an exceptionally good humour, a good mood. They convey a sentiment of confidence. I just hope, with respect to the government caucus, that it doesn't turn into a big disappointment, the confidence of ignorance, for we don't know what the tax bills, the final levy, will be. What we know is that the 2.5% increase will be capped and it will be made up by a 2.5% — suppose they were to get a decrease — cap as well.

Who will be left holding the bag for the downloading to make up for the difference? There's no free lunch. The home owners will be asked to carry the guilt. Now you congratulate yourself, but you put everybody into this mess. Why are you making the correction at this time? With respect, it's quite simple: because you are shamed into it. People took to the streets. You wouldn't even answer your calls. You hid in the corridor, because a revolution, the kind of revolution when people are saturated by taxes, was about to take place.

I ask the government members to be most diligent and listen carefully. In the final analysis, when all is said and done, when Bill 16 is passed through your majority muscle, home owners will ask you to look at their lot, because they are the ones who will be left holding the bag. It's a sad legacy. We have six months to go in their fiscal year, and yet we don't have our final levy. People are confused and —

**The Acting Speaker:** Thank you. Comments and questions.

**Mr Parker:** I listened with great interest to the comments of my colleagues from Nepean, Eglinton, Durham East and Northumberland. I have to admit I listened with great interest to the comments of my colleagues from Durham East and Northumberland in particular. These are two very taciturn and reticent members. It's a rare occasion that we hear from them in this House, and it's always a treat whenever we can encourage them to come forward and share a few comments and some of their views on a bill that's before this House. I do encourage them to speak more often in this House. We don't hear nearly enough from either one of them.

The member for Eglinton was his customarily eloquent self, and he commented at some length on the degree of consultation that went into the formulation of Bill 16. I was there with him, because we represent much the same community, and the people he consulted with were in many cases the same people I consulted with, as our ridings are side by side and we deal with the same commercial districts. We spoke with the same commercial property owners and operators this spring as we discussed their concerns over tax reform and the need for making

certain amendments to get it right. That's what Bill 16 is all about.

I notice that the member for St Catharines never misses a chance to raise some objection to this booklet, *Are We on the Right Track?* I think he's concerned because he knows that we are on the right track in this government and he knows that this booklet invites the taxpayers and the voters of this province to review what this government has done and to give their comments. There's a form and people are invited to return the form with their thoughts.

**1940**

**Mr David Caplan (Oriole):** I am pleased to have the opportunity to join this debate and comment on some of the speeches made earlier.

It's interesting. I can forgive the government for getting it wrong the first time, so they went back to the drawing board and said, "Okay, we'll fix the mess that we've made in the tax situation," but this is the fifth property tax bill that this government has brought in during the last year and a half to correct the errors that they continue to make, and they're still doing it. Talk to the Association of Municipal Clerks and Treasurers. They'll tell you you have made a mistake, but do you listen?

I just heard the member for York East talk about the consultation, how they're listening. They're not listening to the municipal clerks and treasurers. They're not listening to the home owners in Toronto who are saying, "Hey, you put the cap on, but it's a poison pill for municipalities." If you're going to go ahead and do it, you've got to put the tax burden on the residents.

I'd also like to address the comments of the member for Eglinton. He talked about the youth-serving agencies, and he's quite right: They do excellent work. But this government has consistently cut their funding, has consistently made it more difficult for these organizations to serve the young people of this province, and this bill is in no way going to assist those organizations.

I would say as well that I know in the case of one organization that he mentioned, Youth Assisting Youth, they're dependent upon charity casino revenues. That's their main source of funding, and the halt that you have placed upon them has put that organization very much in jeopardy.

So please do not try to fool anybody. This bill is not helping any of those organizations, and it is not helping the residents of Toronto.

**The Acting Speaker:** The member for Nepean has two minutes to respond.

**Mr Baird:** I listened with great interest, and I want to thank the members for St Catharines, Lac-Nipigon, York East and Oriole for their comments.

I appreciated the comments particularly by my colleague the member for Oriole. He said this government hasn't been listening. I think we should go to a source of impeccable judgement on these types of issues. I'll go to Hansard, page 651. What does it say? "I will give this government some credit: They listened."

**Mr O'Toole:** Who was that?



**Mr Baird:** Who was that, member for Durham East? It was the member for Parkdale, Tony Ruprecht, who said that. Tony said, "They're listening," and on this issue I agree with Tony Ruprecht that, to give them credit, "They listened." Those aren't John Baird's words; they are Tony Ruprecht's.

**Mr O'Toole:** What page is that? I want to make a copy of that.

**Mr Baird:** Page 651. I'll bet you the Liberal caucus meetings must be quite colourful, and I would have liked to be a fly on the wall during that Liberal caucus meeting.

The member for Oriole also talked about residential rates, and we look across the province at the percentage of properties that are potentially facing a tax decrease. Ottawa-Carleton region, 57% are potentially facing a tax decrease; Kingston, 69% are potentially facing a tax decrease.

**Mr O'Toole:** What about Durham East?

**Mr Baird:** The member from Durham East asks about Durham. Indeed, Durham is potentially 51%; Toronto, potentially 54%, to the member for Oriole. That is indeed good news for taxpayers, because an up-to-date assessment system is important for fairness and it's important for equity.

**The Acting Speaker:** Further debate?

**Mr Crozier:** I think I look forward to the opportunity to debate this Bill 16 tonight, because it is on the agenda. The point we should all note is that if this government had not totally mismanaged this whole property tax situation, we wouldn't even have to be here discussing this bill tonight.

Before I get too far, I'd like to point out that I would like to share my time with the member for Yorkview and the member for Kingston and The Islands, if I could.

The member for Nepean mentioned earlier in his comments about waste and wild spending. I don't know whether the member for Nepean has had any experience at the municipal level when it comes to budgeting and watching the dollars of a municipality. I do know, though, that he did have extensive experience with a minister in the Mulroney government.

**Mr Mario Sergio (Yorkview):** Who?

**Mr Crozier:** The member for Nepean. So certainly he would have had some experience with waste and wild spending.

**Mr Bradley:** Who was the minister?

**Mr Crozier:** I think it was Mr Beatty, was it not?

**Mr Bradley:** I didn't know he was a Mulroneyite.

**Mr Crozier:** In any event, I do know the member for Nepean has had some experience with waste and wild spending.

Also earlier in the debate this evening we heard a couple of members — the member for Nepean as well as the member for Eglinton — go on at some length about how the government has consulted. I too want to go to a source that's impeccable. The only problem is — it shouldn't surprise anybody in Governor Harris's Ontario — that you can't get a Canadian or an English dictionary; you get the American College Dictionary —

**Mr John Hastings (Etobicoke-Rexdale):** On a point of order, Mr Speaker: I'd like to get a ruling from you, with respect to the speaker for Essex South, as to whether it is appropriate in this House to address the Premier of the province, whoever he or she may be, as "Governor." Is that a suitable appellation for this House?

**The Acting Speaker:** I'd like to address the point of order. The member for Etobicoke-Rexdale is perfectly correct. Members in this House are to be addressed by either title — so that would be Premier Harris — or by the name of their riding, which would be the member for Nipissing.

**Mr Bradley:** On a very brief point of order, Mr Speaker: I think if one were talking about an upper-case G, as in Governor, instead of Premier, that would be different, but when we're talking about a governor, we're talking about the small "g," which means he governs the province.

*Interjections.*

**The Acting Speaker:** Order. That is not a point of order. The Chair recognizes the member for Essex South.

**Mr Crozier:** Speaker, with all due respect, I accept your ruling and from this point on I will refer to him in another way. I hope I can keep that within parliamentary rules as well.

I do just want to point out that in this American College Dictionary, "governor" is "a ruler or chief magistrate appointed to govern a province, a town, a fort or the like." Perhaps the American dictionary, in saying that a governor rules a province, isn't correct. In any event, I'll refer to him as Premier Harris from this point on.

The members from Nepean and Eglinton made some points about this government consulting. Again, as I started out, I would refer to the dictionary. "Consult" is "to confer, imply taking over a situation or a subject," blah, blah, blah, "to seek presumably a qualified person or an impersonal source for advice." So in consulting, they did get some advice from professionals.

The first bit of advice they got was on May 25 when the Association of Municipal Clerks and Treasurers of Ontario wrote a 10-page letter to the Minister of Finance outlining their comments with regard to Bill 16, although their most interesting comment was saved for the end when it said, "A win situation is to let Bill 16 die on the order paper." Well, the government chose not to do that, although, as I referred to in earlier comments on second reading of this bill, after that letter came in, this bill was withdrawn from the order paper about as quickly as a dew worm shrinks back on the Kingsville golf course.

I realize that the minister of community and commercial services wanted me to explain further what a dew worm was, but anybody in rural Ontario would know that you shine a light on a dew worm at a golf course and that thing shrinks back pretty quickly. That's the way they took this bill off the order paper, which then resulted in further delays in the release of the rolls so that municipalities could collect their money.

The minister, I think, in the House has said two or three times: "Not to worry, municipalities. If it's costing you

\$1 million a week because you can't get your rolls out, we'll pay for it." "We," as we all know and as we've all said in here, is the taxpayer of Ontario. So all the Minister of Finance is saying is, "We'll pay it with your money," of course. In the end the taxpayer gets it because this bill is taking so long to get on the agenda.

1950

A couple of other things were mentioned earlier. I think it was the member for Eglinton who said that Toronto is the engine of the province. Most people wouldn't dispute that, but I just want to point out one further thing. If it wasn't for rural Ontario, if it wasn't for the likes of Essex county to feed that engine, to put food in the belly of the engine — the Minister of Agriculture is here tonight and I know he'll agree with me on this — it would slow down pretty quickly.

**Hon Noble Villeneuve (Minister of Agriculture, Food and Rural Affairs, minister responsible for francophone affairs):** You are absolutely right.

**Mr Crozier:** Thank you.

I just want to take you back a little bit. Those who have had municipal experience will understand what I am saying. At this point in time — we are almost completely six months through the year — most municipalities would have had their budgets set and they would have had their interim tax bills out. In fact, the final tax demands would probably be out.

I can recall that when I was on the council in Leamington it was our effort to have our budget done before the fiscal year started, and therefore the only thing we had to wait for was the assessment roll to be released. Here we are now with this bill, the fifth tax bill that we've been dealing with — each one of course trying to correct the other — and the rolls still aren't out, and they're not likely to be out for another couple of weeks. And then a couple of weeks of a 30-day period in which municipalities will have to make up their minds on this particular tax bill or series of tax bills will have gone. Municipalities are really being put in the crunch.

Again, the government speaks very often about business; they like to run their government like a business. I suggest that in many businesses in Ontario — and in this case I'm afraid the Minister of Municipal Affairs and the Minister of Finance have to share in this — if a responsible individual had messed up a particular task this many times and taken this long, they'd be fired, because it's totally incompetent to have allowed this to get to this point, and we aren't done yet.

When I spoke on second reading I said, "You know, folks, when this bill goes to third reading it still isn't going to be right." And what do we have now? We have another letter from the Association of Municipal Clerks and Treasurers of Ontario, addressed to Minister Eves, on June 8. It said, "The changes made to the bill" — that is, the amendments that have been made in the last week or so — "will not have any positive impact on municipal operations this year, nor will they provide municipalities with relief from flawed legislation."

As was suggested, if you consult an expert and an expert comes along and tells you that this is still flawed legislation, then we've still got the problem. I don't know how many more bills it's going to take to fix this. I do know that municipalities are anxiously awaiting for you to get the thing straightened out. Get the rolls out and let's get on with business. I'm sure these municipalities have been waiting for weeks and months on end. They've got cash-flow problems because of this. We think it's well past the time that we should have gotten on with this. But it's still flawed legislation. The municipal clerks and treasurers of Ontario have told you so.

It says, "In addition, the implementation of this section" — and they're talking about the "40% of the taxes payable for the charity's premises," and I'll get to that in a few minutes — "will require significant administrative resources, the cost of which is entirely left with municipalities." When they say "significant administrative resources," that sounds an awful lot to me like red tape. This government brags about getting rid of red tape, yet what they've created with a certain section of this bill is more red tape. It says, "Municipalities will need to develop another administrative process to identify eligible charities, to track their continued eligibility...."

Finally, the municipal clerks and treasurers say, "As we have previously cautioned, Bill 16 risks administrative chaos and has revenue implications that could jeopardize the financial stability of many municipalities." It ain't fixed yet. How much longer is it going to take the incompetence — and I don't know who it is. All I know is that the Minister of Municipal Affairs and Housing and the Minister of Finance have to share this condemnation by the municipal clerks and treasurers.

The part they refer to there was about charities. Again, several of the government members have had to defend the amendments that were made to this bill. They've gone on at some length saying how great it is that one of the amendments allows tax rebates for charities and is replaced with a provision that makes such programs mandatory for single- and upper-tier governments. In an earlier piece of legislation, I had to send a letter to every charitable group in my riding and warn them that what they had to do under the previous pieces of legislation was go to their municipal governments, either the lower or the upper tier, and beg, ask if they would give them, as a rebate, up to 40% of what was their business occupancy tax. I warned all of them that they'd better make sure they did that or they wouldn't get it.

This government finally got it on that particular issue. They're saying now, and bragging to some extent about it, "We've made it mandatory." You should have made it mandatory in the first place. These charities shouldn't have to come and beg this government or the municipal government for something they had in the first place. I wouldn't be very proud of the fact that you've had to make that amendment. That's another case of simply either a poorly written bill or that the drafters of the bill were not given the proper direction in the first place.



We talked a bit about the BIAs. BIAs are in danger. What if the landlord doesn't want to belong to the BIA or is not particularly anxious to be a member of the BIA? That may matter little, because he's going to have to collect those fees anyway. It was suggested by one of the government speakers that when a business went out of business before, the municipality was stuck with any unpaid BIA dues. Now the landlord is stuck with them. He's still a taxpayer and he's stuck with them. It may have fixed it for the municipalities, there's no doubt about that, but the landlord is now going to have to take it in the ear. I suggest that what is probably going to happen then is that it's going to be passed on to the next tenant.

2000

Business occupancy tax was another one, and we all agree. I both worked and was a part-owner in a small business for 22 years, so I certainly understand what business occupancy tax is. I was on municipal council; I know what business occupancy tax is. They're right. It was difficult, or in fact sometimes impossible, to collect if a business went under. But what is going to happen now is that it's merely going to be, I suppose, either passed on to the residential property owners in the municipality or put right back on to the businesses anyway. It may have made the collection of it different, but it doesn't really change the problem. The taxpayer still has to take it on the chin for anybody who doesn't pay their business occupancy tax.

I just hope that when this bill passes — and I suspect it will because I think the government has gone to the point where it can't do anything. They've been given advice by the municipal clerks and treasurers of Ontario to simply withdraw the bill, take some time and let the municipalities work this thing out. I suspect the government won't do that because it does have to save face. I make the same prediction I did the other night, that Bill 16, even as it's amended, is not going to solve the problem. This particular endeavour by the government through five bills now has been made a mess of. I still think it's a mess. I agree with the clerks and treasurers of Ontario and I suspect in the fall we're going to be back here trying to fix it again. I just hope that in the meantime you at least get on with it, get the rolls out and let the municipalities start to do their job, as they've always been most competent to do.

Thank you, Speaker, for allowing me these few minutes this evening to address this bill.

**Mr Sergio:** I am also happy to contribute to the discussion on Bill 16. This is the fifth bill the government has introduced with respect to the supposed, as it was entitled, Act to give Tax Relief to Small Businesses, Charities and Others. I believe that after the fifth bill the government still has introduced 16 amendments with respect to the changes that the government, after having heard the opposition and others, is now considering making to Bill 16. It makes you wonder why the government hadn't been listening originally, when we told the government, when the business community told the government, when the various reports done by people hired by the government — and I could mention a number of those reports, especially

the Trimmer report and the Golden report, and then of course we have the latest one, which the government did not take into consideration either.

The government would have done itself a favour, would have done the taxpayers a favour, would have done the small and the general business communities a big favour as well, if it had listened as it should have and had acted on what it was being told the first time. We are here, not four but five bills behind, thousands and thousands of taxpayers' dollars wasted, not only in this House but also to provide documents such as this one here. Even the fifth bill has a total of 76 pages. Can you imagine, a bill introduced in a rush by this government, that after four bills we still have another one with 76 pages and 16 amendments?

Having said that, this was supposed to be what everyone was waiting for, especially the small business community. It turns out to be nothing but a hoax perpetrated by the government on the business community and the taxpayers of Ontario. Why is that? Because no sooner had the bill been introduced, and municipalities and the business community found out what was in that particular bill, than the government took notice of what was happening in the streets, what the business community was saying, and was saying the right thing. Why is that?

I want to bring to the attention of the House what the minister himself said on March 10, 1998: "Recent speculation in the media about commercial taxes on small business is causing unnecessary confusion and fear in the community. In Toronto, this speculation has raised the spectre of small business property taxes being suddenly doubled or even tripled as a result of the recent reassessment of property to actual value as of June 1996." The minister said, "This is totally inaccurate."

What happened three or four days later when the minister couldn't take it any more, when the heat was getting to be unbearable, when the pressure was getting to the government, to the Premier and the minister? Within three days of this announcement, he had to backtrack. What did he say? That the business community was right and the opposition was right, that those 17,900 businesses in Toronto were really facing increases of up to 100%. That was three days after having said that this was not possible, that this was totally wrong.

What did he do? He took a little Band-Aid and said: "Okay, we're going to keep you quiet for a period of three years. We are going to limit those increases to 2.5%." So the story went. He introduced Bill 16 with that amendment, and we can find that amendment with respect to the 2.5% cap on certain types of properties, for the benefit of the members of the House, and especially the government, on pages 32, 42 and 31 as well. But what has the government, what has the minister done with the 2.5% cap on those certain types of properties? He has done two major things. He has given notice to the small business community that even today is struggling to stay alive. He has put those people on notice, saying: "We're going be hitting you three years from now, so if you can, make arrangements and leave town within the next three years. Because three years from now we're going to hit you." He has told

the local municipalities: "Hey, Mayor Lastman, Mayor McCallion, you're on your own. You cannot touch those types of property, those classes of property, mainly industrial and commercial. The 2.5% is there. It stays. It's frozen." You can find that on page 42 of Bill 16.

**2010**

What does this do to the local municipalities? Are they going to be holding the line for a period of three years? What if they need money to maintain existing services? Where do they go? Will they have to borrow money? Perhaps, or they will have to spread those increases required to meet those financial needs on to other classes. Let me tell you something, and let me tell the same thing to the Premier and the Minister of Finance: If they think they have seen a riot on the streets of Toronto with respect to the business community, they haven't yet seen what the residential community may do when they finally get the final bill.

The local municipalities still have not been able to set the final tax rate and send it out to property owners. Those property owners, especially the residential portion, are still waiting for the amount of fairness, for the amount of tax assessment equity, for the amount of reductions they are entitled to, that this government said they were going to get. Now, once they get the final tax bill, they will see that instead of getting that much-awaited-for tax rebate, they might even be getting a tax increase. Can you imagine that? Just because of the government's inability to deal with the inadequate tax system, of which they said, "We will have to reform it and we will have to come up with a uniform tax rate for all properties throughout Ontario."

I don't think it's very fair that the business community in Metropolitan Toronto continues to pay business education taxes for education throughout the rest of Ontario. Why do I say this is unfair? Because with Bill 16 the present government of Ontario is continuing to perpetrate the same inequity that has existed for the last 40 or 50 years. They said: "We will change it. We will make the system more equitable."

I'm asking the government how they see this equity when a small business in Toronto, let's say valued at \$500,000, is assessed for business education tax purposes at \$21,600 and in another neighbouring municipality, and I'm giving you Richmond Hill, which is a thriving, growing community just above Toronto — and so the advertising says, "the city above Toronto"; it is the city of Vaughan that actually says that — up there they only pay \$11,100. Richmond Hill is just up the street, right? When we compare Richmond Hill and Toronto to, let's say, Thunder Bay or Parry Sound, we say Richmond Hill is just up the street.

So what is the difference? The difference is because this government continues to refuse to bring equity to the tax system. I don't think it's fair that the business community in Toronto and the people of Toronto, all the taxpayers, suffer because they have to bear the consequences of this continuous inequity. For example, Toronto is \$21,600. In the Treasurer's home town of Parry Sound, the same type of business with the same value — we are

talking the same value — pays \$5,000. That is why the system fails to bring justice where there is no justice at present.

Just to give you another one: In North Bay it's \$12,900. Why is that? Why should it be? We don't have to go that far. On the north side of Steeles they are paying \$12,000 less than on the south side of Steeles. Why is that? We've been telling them that. Not only us, but the business community, organizations, the Toronto board of trade have been saying to the government, "This is wrong." The government did say, "We will bring fairness and equity to the tax system in Toronto."

It's worth repeating some of the things that have been said previously, but before I do that, I want to address one particular aspect. As I said, it is important to know what is going to happen, not today or next year but also three years from now, in the year 2000. According to the bill as presently written, it only applies to the years 1998, 1999 and 2000. What are municipalities going to do in the year 2001?

It's also worth noting on page 32 that the minister himself, on behalf of the government, has given himself total power, total control over when, how and how much those education tax rates are going to be. I don't think the public, especially the business community, is fully aware and can get hold of that, can comprehend what that means; that behind closed doors, without coming into this Legislative Building, the government, the minister, with a few members of their caucus, can decide how much and when they are going to raise. Parents have no control and no say and we in this House have no say on behalf of our taxpayers, and I don't think that is fair. That is only one of those issues.

As has been mentioned by the member for Essex South, anyone who has had some municipal experience knows they are very limited in the income they get; it only comes from one particular source, the taxpayers. When that source starts to dry up, what do they do? They have to increase taxes. God forbid, especially in Metropolitan Toronto, if the city councillors have to say: "You know what? We won't give you that 3%, 4% or 5% reduction that we said we would just a couple of months ago, when the new assessment bill went out." Even the government was holding seminars in many parts of the province, many parts of Metro. Those were the provincial assessors, hired and paid by the provincial government to go into various communities and say, "Yes, your property is going to go down by whatever percentage, and you will be credited with so much when the final bill comes." They're going to be in for a shock. I feel for a lot of those people, especially the single homeowners, the pensioners, the unemployed, the single income, the ones on welfare, the poor people, the low-income people. I wonder what they are going to say.

There is a group of people, the Association of Municipal Clerks and Treasurers of Ontario, a well respected group. I call them the cornerstone of every municipality. No municipality, big or small, can function properly without the direction and expertise of those people. No politi-



cian could survive without the expertise and direction of those people. It's worth repeating what they have to say:

"This bill is complicated, cumbersome, confusing and, too often, badly drafted. It serves to perpetuate the bad system that the government was so bent on eliminating. The end product is a political and administrative nightmare."

That is them saying that to the government. These are the people the government is saying they listened to. My goodness, if they listened, why haven't they acted?

This is what the clerks and treasurers have to say with respect to the capping of certain classes for the years 1998, 1999 and 2000:

"It further perpetuates an assessment system which the current government has time and time again said is outdated, inefficient, complicated and should be eliminated.... The argument for consistency in the province of Ontario disappears with the implementation of Bill 16."

How true. It is sad to hear from some members of the government that this bill is going to be the salvation. How untrue.

#### 2020

With the 2.5% limitations on increases, it is abundantly clear that two major problems are created. I already mentioned these two points, but it's worth mentioning them again: (1) Municipalities will experience revenue shortages, and (2) to compensate for the shortage, municipalities will have to budget for those shortages. Undoubtedly they will distribute it to classes except those where the 2.5% applies, because the government said so. In other words, they are telling municipalities: "We have made a deal with certain types of classes to keep them happy for the next three years. But whatever you do, it's up to you." I don't think this is fair. If I am one of those pensioners with a single income, a single pension, I was counting on that reduction from my city, from my government. Now I will be faced instead with continuing to deal with a system that continues to be inequitable for me, unfair for me.

This is what they say, in conclusion: "This bill, if passed as drafted, will embroil municipal councils in complex, confusing and inefficient systems of taxation. Administrative costs will increase" and become "so complex" — it's the application of Bill 106, Bill 149 and Bill 16 — "that few municipalities in Ontario will be able to fully bill taxes before the year is ended with any degree of success within the parameters of the law. A win situation is to let Bill 16 die on the order paper."

How true. This is something we have been saying in this House, not only about this bill but all the other bills as well. Unfortunately the government is bent on continuing the march to push this through, the way they did with many other bills, without taking into consideration either what we say on this side of the House or what individuals and groups say from the outside.

In the minute I have left, let me say something with respect to being so charitable towards the charities in Ontario. If the government really wants to solve the problems of charitable organizations and those other organizations that are supported by charities, it could

solve them very easily without pushing casinos throughout Ontario, in municipalities that don't even want them. From the existing casinos, from which they are raking in hundreds of millions of dollars, they could easily say: "We'll give you a couple of hundred million. Just disappear from our back. We won't install a casino where people don't want it." The people said so; municipalities said so, and therefore we will keep everybody happy. We'll be keeping the municipalities happy. We'll be keeping the charities happy. Even the government will be happy.

Having said that, I believe my time is up. I turn to my colleague, the member for Kingston and The Islands, for the conclusion of our time.

**Mr Gerretsen:** I am pleased to join the debate of my colleagues, the member for Yorkview and the member for Essex South, on this rather important bill.

It's interesting. The first thing the people in Ontario should know is that once again we're working under the restraints of a closure motion. Closure has become almost a customary thing with this government. This is the 23rd time that closure has been used to stifle debate on a bill.

There are probably a lot of people out there who might say to themselves, "What's so extraordinary about that?" All you have to do is go back about 20 or 30 years and closure was almost an unknown thing. It was understood within the parliamentary system that you could speak on a bill for as long as the opposition wanted to, in the hopes of bringing some sense to the government so it would change its legislation and the final piece of legislation that would come forward would be for the betterment of all the people of Ontario. That's what this process is all about.

That's very important, because we have seen with this government, in particular with this property tax bill, how this government is completely and totally incompetent. They're getting it wrong each and every time. Don't take my word for it, but let's listen to the Association of Municipal Clerks and Treasurers of Ontario. People out there might ask, who are the clerks and treasurers of Ontario?

**Mr Lessard:** A special interest group, according to the government.

**Mr Gerretsen:** Someone says the government thinks they're a special interest group. They are the people who in each of our municipalities take a bill like this and implement it in that municipality. They are the people who are responsible for getting the tax bills out and making sure that everybody's tax bill is in accordance with the law.

What do these people say about the fact that this government hasn't been getting it right? As you well know, we received a copy of a letter addressed to the Deputy Premier, dated May 25, in which they state — I know it's been stated here before, but I think we need to state it again:

"This bill is complicated, cumbersome, confusing and, too often, badly drafted. It serves to perpetuate the bad system that the government was so bent on eliminating. The end product is a political and administrative nightmare. Sophisticated systems and specialists will have to be

developed to manage not only the complexities of Bill 106, 149 and 164, but now Bill 16 as well. Ontario municipalities will not be able to implement the complex taxation system without a substantial commitment of time, effort, resources and tax dollars."

Of course, we all know who is going to pay those tax dollars: the local property taxpayers.

Earlier tonight we heard the government members quote different interest groups from the business community who all say this is a good bill and that we should get a current value system going in Ontario. I know that different governments over the last 20 or 30 or 40 years have dealt with that, and I think we agree with the notion in general. The problem is that those particular groups don't have the specific knowledge of the clerks and treasurers about what should actually be in the bill to make the new so-called fairer system work properly. That's really what this is all about. The clerks and treasurers are a professional organization that wants to make sure that whatever bill is being brought down to their level for implementation is done in a proper and correct manner.

You may recall that originally the government, when it introduced its first closure motion, was going to allow absolutely no time for a committee to take any kind of representations from different groups out there. It was not going to allow any amendments to the bill whatsoever, because the government was under a lot of pressure to get this done as quickly as possible. We agree, by the way, that it should be done as quickly as possible, because the property taxpayers in this province have the right to know, now that we're almost in the middle of June, what their property tax levels and their property tax bills are going to be this year. We're kind of between a rock and a hard place. We all realize that we have to get to this system quickly. The problem is that this government has had a lot of time to deal with it and has had a lot of opportunities to do it right. They've done it wrong four times already, and now they're doing it wrong again.

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A meeting took place. The clerks and treasurers and other groups made their presentations. The government, which one day before the meeting had said, "We don't need any amendments to Bill 16," all of a sudden, as a result of these presentations, decided by 2 o'clock last Wednesday afternoon, "Yes, there are nine government amendments that we need," which is itself an acknowledgement that the government knew this bill was flawed. They came forward with nine amendments that the day before they'd said they didn't need.

They've amended their own bill, which is fair. I understand that bills need to be amended. You didn't think so the day before we had the hearings, but let's give you that one. You put the nine amendments in, they were passed, and you voted down every one of the opposition amendments, many of which dealt with the problems the clerks and treasurers brought forward in their rather detailed letter of May 25. So what happens? We now have third reading of the bill.

What happened two days ago? We get another letter from the same independent Association of Municipal Clerks and Treasurers of Ontario, who represent 97% of the clerks and treasurers in the province. What did they say? It's kind of interesting. I want to quote the president from a press release they issued. They say:

"We wrote to Mr Eves detailing our concerns," and that was the letter of May 25. "We held a press briefing. We warned of the administrative chaos and financial ruin if the government proceeded with Bill 16 as drafted. We got the government's attention and they promised to delay passage of the bill, hear our concerns and even decided to hold public committee hearings. We met with government officials" — these are the clerks and treasurers talking — "and went through our concerns and proposed amendments. We appeared before the committee and did it all again," said Cathie Best, AMCTO president. "And what did they do? They focused on only two of our concerns, and their subsequent amendments certainly don't help and" — get this — "could even make the situation worse."

This isn't my propaganda. This is directly from a letter and a news release by the clerks and treasurers of Ontario.

Cathie Best goes on to say: "We felt it incumbent on an organization such as ours to point out the flaws in Bill 16. That's why we took the unprecedented step" — now, anybody who knows anything about clerks and treasurers knows they normally don't like to get involved in the political side of things. They may sometimes within their own council try to get the right thing passed, but that's another issue. They don't really want to get involved in politics as such, so this is not something that the clerks and treasurers do with every piece of legislation that comes forward.

"That's why we took the unprecedented step of holding a press briefing last week. While we obviously got the government's attention, they obviously still don't get it." Those are her words, not mine. "The amended Bill 16 is still a very flawed piece of legislation." I think that says it all.

If you're an average property taxpayer, like you are, Mr Speaker, and I am and many of the people I know, you're very confused in the province of Ontario. Usually by about the first of the year, or in some cases it may be the end of December of the year preceding, you used to get an assessment notice. Those assessment notices usually had numbers on them that the average person — and I include myself — didn't understand. They were just numbers. But most people would take the assessment notice and compare it to the previous year's assessment notice, and if the numbers were the same they knew their property wasn't valued higher. Whatever those numbers were, you could usually make out, once the municipality had set its mill rate, what your taxes were going to be.

This year we got different notices. I should have brought one down with me but I didn't. That notice actually told people what the assessment department felt your individual property was worth. We all know that we anticipate across the province about 600,000 appeals to



that system, but at least people have some idea of what the assessment department feels their property is worth. The problem is that the numbers that went out in the notices this year had no relationship at all to the notices we received before.

The net result is that when people got their first tax bill this year, most municipalities just took whatever they charged people last year and halved it and said, "That's what you're paying as the initial levy." But nobody will know what their actual property taxes are going to be for this year until they get their final tax bill. Then people will be able to take their two or three instalments of tax bills for this year and compare it to the total they paid last year and for the first time realize whether their taxes are going up or down this year.

That's really what this is all about. The government would like you to believe that they have introduced a current value system — actually a market value system, except we can't call it that because the Minister of Municipal Affairs and Housing, Mr Leach, and the Minister of Citizenship, Culture and Recreation, Ms Bassett, ran on a platform that they would never impose market value in Toronto. If we were to call it a market value system, I guess maybe their pamphlets weren't quite — gee, I've got to be careful. I want to make sure that I keep myself to parliamentary language. I think we all know what I'm talking about without my actually having to say it. It wasn't quite correct. The information that they were putting out in the campaign wasn't quite correct about what is being done here. So we have to call it something else; we have to call it the current value system.

The problem is this: As a result of this bill, we now have not just a current value system across Ontario but a current value system that has something like 18 different classes of properties. According to the calculation of one individual, you could have as many as 96 different tax rates depending on the class of property and various other factors. Speaker, once you get down to 96 different classes in the so-called current value system, I'll just leave it to your imagination as to whether that really is a current value system or a market value system.

The problem that comes in with the 2.5% cap is two-fold. First, if a municipality wants to apply it in their particular case in the commercial area, they are going to be stuck with it for three years whether they like it or not. It's not something that municipalities can opt into this year and opt out of next year. So what's going to happen is this: As we've already said, as a result of the downloading of provincial services to the local level, according to our estimation and according to AMO's estimation, it is going to be about a \$500-million to \$700-million shortfall that has to be picked up by the local municipalities.

Let's for the moment say that's correct. Time will bear this out, but let's say it's correct. By setting a cap of 2.5% on four or five of the classes you've set up, that difference can only be made up in the other classes, and that is primarily the residential property taxpayer.

I know what this government is hoping. Obviously, you're hoping the local municipalities will do their best to

keep the taxes low. Most municipal politicians I know of will try to do that in each and every municipality. Regardless of what you may have heard from the other side, most municipal councillors, of communities large and small, really don't want to boost their taxes in their communities. I know of very few people that way. As a matter of fact, I can probably count them on the fingers of one hand in the 18 years I was involved.

To make it sound as if the local councils and the local municipal councillors and mayors want to increase taxes is just absolute nonsense. What the government is hoping is that somehow the local municipalities, realizing there's a shortfall of money for the services they want in their municipality, are left with two choices: They can either increase taxes, which they don't want to do, or they can cut services. Those are the only two choices out there. That's what the government is hoping, that most municipalities will keep the tax increase to nothing or as little as possible, so the services will be cut. Then programs will be cut and user fees will be implemented, as they already have been to a much greater extent than they used to be. It's going to happen.

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When you add on top of that this current market value system they're talking about in this bill, realizing that any increases are going to be capped at 2.5% for the commercial property taxpayers, it means only one thing: Primarily the residential taxpayer is going to pay more.

It's still out there. The final tax bills haven't gone out. I even hope to be proven wrong, that that is not the case, but in a lot of municipalities that final tax bill, once people realize and put the two tax bills together, is going to be more.

The clerks and treasurers are saying that as well. They say so quite clearly in their proposed amendments that they put forward, their very first one on May 29. "The fact that the option locks municipalities to a three-year program limits municipalities' ability to calibrate their tax policy to changing circumstances and requirements. The only option left to municipalities who adopt the cap will be to levy higher taxes on residential and farm lands." Again, those are not my words but the words of the professionals in this field, the clerks and treasurers in each of our municipalities.

Let me deal with one other issue very quickly, because I see I've got less than two minutes left, and that is the charity rebates. The government had to bring this section in or else charities would be paying an awful lot more on their properties than before because of the business occupancy tax situation. You had to do something. I realize you had to bring some legislation in, but what you brought in obligates a municipality to give rebates to charities before the taxes on their properties are even due.

With all due respect, for a government that likes to talk about giving municipalities more freedom and more power, to my way of thinking obligating municipalities to give rebates to charitable organizations for taxes that aren't even due is absolutely absurd and shows absolutely no trust in municipalities. Why didn't you let the

municipalities deal with that situation? Do you really think municipalities in your communities would want to see charities pay 40% or 50% more in property taxes than before? Do you not think they would have come up with a scheme themselves?

The member across the way is shaking his head no, that municipalities out there would try to gouge as much money as possible from charities, which is absolute nonsense. It shows you have absolutely no trust in municipalities, no trust in the municipal politicians elected across this province, who, by the way, are much closer to the people on a day-to-day basis than you and I will ever be in this House.

**Mr Baird:** Speak for yourself.

**Mr Gerretsen:** No, no, no. Don't divert the argument, sir. What you're doing is wrong. You still haven't got it right. I'll take the word of the clerks and treasurers association any time over the words of this government.

*Interjections.*

**The Acting Speaker:** I wanted to compliment you up until the last minute or so. I would like you to ponder your future and where you'd like to be, because if you want to make the decision that you're in here, then that will be fine. If you want to leave the decision up to me, then I'll do it for you. Other than that, we have to insist on decorum and attention. I want to be able to hear the speakers. It's my duty to hear them and I really want to. I'd ask for your attention for that.

Comments and questions? The Chair recognizes the member for Lake Nipigon.

**Mr Pouliot:** The member for Lake Nipigon humbly thanks you and appreciates your wisdom and your leadership. Mr Speaker, le hasard est curieux.

It's certainly beneficial to listen to people who have been there at the municipal level, and to remind us that municipal politics is the most relevant form from the time you get up in the morning. The people know what they're talking about.

It's quite the opposite, of course, when it comes to the members of the first brigade, the spear carriers, busy fighting, eating their young regarding the next exercise, that of the next provincial election.

Mr Speaker, you can well acquiesce and understand and appreciate that from an opposition point of view, it is not a pretty sight when the greed of politics is exposed. And guess what? When the last levy, the final levy hits the doorstep, when the rubber hits the road, they will scatter. They'll be the first ones to dim the light and dissociate themselves from their very actions.

Of course, they'll try to cast a stone, pass the blame on to members of the loyal opposition, members of the third party, the councillors, the clerks, the administrators, the treasurers, *alouette*. They will say: "You're on your own now. It's not our fault. It is yours to administer."

It will not work. It is so transparent, it is so thinly veiled. The people are awaiting the last levy and they know that if you are a homeowner, people of moderate means, hard-working Ontarians all, you're about to get it, because they shot to kill. Your last bill will reflect their

evil intentions. They will do at their own peril and pay dearly and profoundly in the course of the next election.

**Mr Baird:** I'm pleased to have the opportunity to comment on our Liberal colleagues' remarks. I would say at the outset of my remarks with respect to the member for Lac-Nipigon, John Diefenbaker once made a comment that I think I could paraphrase. The member for Lac-Nipigon has announced he's retiring from this chamber. The Right Honourable John George Diefenbaker said something I could paraphrase, "Parliament without Pouliot is going to be like hell without the Devil." Indeed, his speeches get better as he goes on.

I listened with great interest to the comments of the members opposite. The member for Yorkview talks about the number of restaurants on one side of Steeles Avenue as opposed to the other and I agree. That's a situation that has built up over years. It got particularly acute in the late 1980s when school boards raised the commercial-industrial education taxes by an average of 7% or 8%, which caused considerable concern. The issue became particularly worse.

This government is taking some measures to change that. There's a 2.5% cap and, most importantly, we're going down to the average of commercial-industrial taxes, which will see a \$400 million reduction for his community of Toronto, and that's important to put on the record.

I also listened to the member for Kingston and The Islands. The member for Kingston and The Islands said the government members voted against every Liberal opposition amendment that was presented to this bill. He's right. But it was with great interest that I noticed — I respect the member for Scarborough-Agincourt, I really do — there were Liberal amendments presented to the committee that the Liberal members didn't even vote for. They couldn't even count on their own members to support their own amendments.

The member for Dovercourt was left in a terrible position. He voted for the Liberal amendments and the Liberal amendments were only getting one vote — the member for Dovercourt's. So again, for your left-of-centre vote, you get more bang for your buck with the NDP.

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**Mr Silipo:** I'm not going to be able to comment on all of the things that were said by all of our Liberal colleagues, because I will be happy to admit that I wasn't here for all of those statements. I was out pondering my future, as per your suggestion, Speaker. I anticipated that you might at some point suggest that we do that. I came back, and what I want to tell you is I'd rather be on that side of the House than on this side of the House, even with all the difficulties that I know some of the members there incur on a day-to-day basis.

I was here long enough to catch some of the comments from the member for Kingston and The Islands. He and I may not agree on everything in this place, but I certainly know that he, not only as a former municipal politician but indeed as a former mayor of an important city like Kingston, knows what impact this kind of legislation is going to have. He knows, as he set out, that it's going to put



municipalities between a rock and a hard place. They're going to have to decide whether they're going to cut services or increase taxes, and I think, as he said, the government is counting on the fact that nobody out there wants to raise taxes.

That's going to cause severe problems for municipalities because, as we said already, one of the pieces in this legislation, while it provides relief, the 2.5% cap for small businesses, the way in which the government has gone about doing this will cause severe problems for those municipalities that opt into it, for good reason; that is, if they find themselves a year from now or two years from now in a situation where they have to increase spending for whatever good, justifiable reason and in their collective wisdom as municipal councillors they should be able to justify themselves to the electorate, the only place they'll be able to go for those increases will be the residential property tax levy or, in the municipalities where it exists, the farm residential tax levy. That puts municipalities in a really impossible situation that is unfair and untenable, and AMO and other bodies have said that to the government very clearly.

**Mr Galt:** I was interested in listening to some of the comments, particularly those of the member for Kingston and The Islands, and I appreciated catching him up on the news. I know that the paper is roughly a month old, but he still hadn't read it, so it was good to bring that to his attention earlier.

The member for Kingston and The Islands talked about charity and that the provincial government — according to him, he thinks municipalities aren't trusted. But we are just wanting to ensure that charities renting commercial property are indeed looked after. We're here to help and here to ensure that they are looked after. We are leaving flexibility to the municipalities. If they want to be really charitable, then they can give 100% of the property tax back, but we're going to make sure, as a province, that at least 40% is recognized with those charities, and there are a lot of really good charities like food banks and they have to have some space.

We have them back in Northumberland. We have one in Port Hope and one in Cobourg, one in Brighton; there's a small one out of a church in Colborne and one in Campbellford. They're just doing a tremendous job for the community. Most of these started back in the 1980s when the Liberals formed the government. I noticed in the paper on Friday that the soup kitchen in Cobourg, which started back in 1992 or 1993, is indicating a big reduction in the need for it, a tremendous change because of the improved economy and the job creation that has occurred in this province. I know that the member for Kingston and The Islands really doesn't want to hear that kind of good news, because it's upsetting to him, but that is the kind of good news that's happening in Ontario because of bills such as Bill 16.

**The Acting Speaker:** The member for Essex South has two minutes to respond.

**Mr Crozier:** I want to thank the members for Lake Nipigon, Nepean, Dovercourt and Northumberland, who

replied to the comments by my colleagues from Yorkview, Kingston and The Islands and myself.

Very briefly, the issue we were talking about, to the member for Northumberland, isn't the fact that charities shouldn't receive what they got before. The issue is that, on the one hand, it doesn't seem right that you rebate taxes to anybody before they pay them. That doesn't make sense in itself. Second, as I pointed out in my remarks earlier, if you had gotten this bill right in the first place when you had charities having to go to municipalities to beg to get their money back — you saw that and you had to correct it here.

All we're trying to do and all we're trying to point out, and I think we're all here for the same reason, is to get property tax right, to get property tax fair. We all want to do that, because we want to get on with other things. We want it to be fair. But what we have pointed out time and time again is that you're now on the fifth bill and it still isn't right and, as I pointed out earlier, that's total incompetence. The Minister of Finance and the Minister of Municipal Affairs and Housing share in this responsibility, and we feel that it's going to go on and that municipalities are going to suffer. We agree with the clerks and treasurers that this isn't right yet, and it has got to be done right, and then we'll all be happy.

**The Acting Speaker:** Further debate?

**Mr Lessard:** At the outset, I just want to advise you, Mr Speaker, that I will be sharing my time with the members for Lake Nipigon and Dovercourt.

For those people who are watching on television at this very late hour, I just want to remind them that what we're debating here tonight in the final few minutes that we have remaining is Bill 16, An Act to give Tax Relief to Small Businesses, Charities and Others etc. This is the fifth attempt by this government to try to achieve property tax fairness in Ontario, after having messed it up terribly since they were elected three years ago.

This bill and the bills that preceded it really indicate to me a couple of themes that I want to dwell on during the short time I have left to speak about this bill, and the reason I have such a brief time is that, once again, this government has resorted to bringing in a time allocation motion to try and shut down debate, to try and close off the opportunity for us to provide any meaningful input into a very important issue that many are saying has been really messed up. It's an issue that could very well benefit from having further debate, but the government has chosen to shut it down once again and try and cut us off.

In the brief time I have, I just want to talk about some of the things that this bill makes me think of, and it really smacks of incompetence. It really demonstrates that this government is not only incapable of managing their agenda but also of trying to reach property tax fairness. After five attempts, they still haven't got it right, and they haven't got it right because they aren't listening. They don't want to listen to the opposition. They want to close down debate, use closure motions, and they do not want to listen to the Association of Municipal Clerks and

Treasurers, who have some very serious concerns about this legislation.

I started to become aware of some of the chaos and confusion that their previous attempts to try to fix up the property tax system were causing when I got letters a few months ago from people who work in various stores in my community. I received letters from people who worked at the Devonshire Mall, at the Tecumseh Mall and at the University Mall, and they were from people like Allison Hotham, R. Marra, J. Stewart, Lena Rawlings, Victoria Durocher and hundreds of others. I received literally hundreds of these letters that said, "I work in a retail outlet...and I need your help to protect my job.... I have just learned that as a result of legislation passed by the province, the store where I work could be facing a very large increase in its property tax bill."

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Obviously they were concerned about the impact this government's legislation was going to have on the ability of the small stores that they worked in. They were very concerned, confused, didn't know what was going to happen. The reason they were concerned was that it was their feeling, based on their review of the previous attempts by the government, that the stores that were located in malls were going to be taxed on a much higher level than stores that weren't, stores that were just located standalone on streets in municipalities. That's how I first became aware of the chaos and confusion that was being caused by this government's incompetence.

The government did introduce Bill 16 to attempt to deal with some of that confusion and to give tax relief to small businesses by giving an option to municipalities to put a cap of 2.5% per year on taxes for certain types of businesses and charities. I thought it was quite interesting that a government that prides itself on trying to reduce taxes and calls itself a taxfighter would introduce legislation that not only would encourage or force municipalities to raise taxes, but now they're saying, "We don't really want you to raise taxes but we're going to bring in legislation that will say, 'You can raise them 2.5%.'" It does send out a confusing message.

One of the things that this government's incompetence to deal with this issue has done: This bill was introduced on May 7 and here we are a month later and it still hasn't been passed. Because of that, various municipalities in the province, Windsor included, have been unable to send out their final tax notices. A report dated May 29 from the commissioner of corporate services and treasurer of the city of Windsor, Gerry Pinsonneault, says that the initial assessment roll was to be provided to municipalities by April 30. That was one word they got from the provincial government, but he was notified on March 27 that the Minister of Finance said the date would be postponed to May 29. Here we are on June 10, long past May 29, and assessment rolls still haven't been delivered. Quite frankly, they are reluctant to believe whatever the Minister of Finance might have to tell them.

The net impact is that they've been unable to send out the tax notice that they should have sent out today and,

because of that, they have lost \$484,000 that they should have been able to collect. Because they don't have the money, they're going to have to borrow the money or they're going to have to delay capital projects. They have not been able to complete their budget deliberations. Somebody is going to have to pay the bill for that incompetence. This government says, "It shouldn't be the municipal taxpayer, we'll cover you for that," so what they're doing is paying through the provincial government's general revenues money that should have been collected from the property taxpayers. That isn't going to save anybody anything. Really, what it's doing is just trying to cover up their mistakes with the taxpayers' own money.

One of the things that taxpayers need to ask themselves is what the bill for their tax is going to be. They haven't got their final instalments, but most taxpayers are suspicious that the final bill is going to mean a big increase in their property taxes. They have no way of knowing what that is and people need to be aware that there is a bill that's coming, thanks to Mike Harris and the Treasurer of the province of Ontario. It's coming your way and you'd better be ready for it because what this government is going to do is say: "It's not us, it's the municipalities, it's the municipal councillors. They're the ones that levy the taxes. It's not us." There are going to be pointing fingers in every other direction but the direction of Mike Harris.

The municipal clerks and treasurers of Ontario had many concerns that they brought before this government, before the standing committee, and tried to get them to listen. This government didn't listen. One of the things they had to say was that the changes the government made will not have any positive impact on municipal operations this year. They said as well that the procedure they implemented adds a further level of ministerial control that bureaucratizes the process and detracts from municipal flexibility.

What they're saying is that the amendments the government introduced aren't going to help them out and that really, instead of giving municipalities more control over their own operations, that control is being centralized within the Minister of Finance here in Toronto, more control for the whiz kids over in the corner office to direct municipalities as to how they're going to collect their money, what they can spend their money on, and then stick municipal councillors with not only the bill but arrange them to be the fall guys for doing the government's dirty deeds.

This government likes to say that anybody who has a criticism of them is a special interest group, but I'm not inclined to consider the Association of Municipal Clerks and Treasurers of Ontario as one of those radical organizations, a group that I would consider to be a special interest group at all. These are the people who are going to be stuck with having to try and make sense of this legislation. They are going to have to try and implement it, and When they brought their concerns to the attention of this government, they were told that their concerns were the result of misunderstanding. That's what they were told. If



the clerks and treasurers, the people who have to implement this legislation, are the people who have to interpret it and they don't understand it, I think that we're all in big trouble.

**Mr Pouliot:** It's indeed an honour and a pleasure to follow the remarks of the member for Windsor-Riverside. He's quite right, there's so much to say about the incompetence, the ineptitude of the government. We will conclude our remarks with our deputy leader, the member for Dovercourt, Mr Tony Silipo.

A time to celebrate, when you're back with the majority muscle in our system if you're the government. Tonight the guillotine shall fall. We have used all of our recourse and resources. There's no place else to go. Third and final reading, and then they'll get the rubber stamp by way of royal assent. If you're a homeowner, it's coming to you. A time to celebrate.

If you're a member of the opposition, a time to weep, a time to cry. There is frustration. You've done everything you could, but with closure, with the guillotine attitude that the government has, you begin to die.

If you're a homeowner, a time to pay. The court of last resort, it has been decreed by the government.

There is a dramatic sense of the comical attached to the legislation when you look back from the day it was introduced. Mistake after mistake, drafting that wasn't done, people not consulted, focus groups bypassed. They listened to a few people in the back rooms who were going to make our lives easier. It is a tragedy. This is tragic.

You will recall in perhaps our younger days tricks performed, because this is tricky. Those are conjurers of illusions. A cirque, vaudeville, a tombola, a small circus about to leave town after having ripped off people. You recall they were selling all kinds of potions, all kinds of lotions. You perhaps thought that it was scented, that it was imported and it would make you or perhaps others feel better, but when you got home you found out that you had been had and you were too embarrassed or shy to tell anyone.

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Twice a year you pull out the chequebook and you make out a cheque to the municipality. That includes school taxes, it includes general purpose — recreation, people picking up the garbage, potable, fresh water, the fascinating world of sewer and water etc. Now you have some added responsibilities because they've thrown in policing, health care, a portion of the prescription drugs if you're on general assistance etc, and you might pick up the odd highway leading to your town.

There are six months left. Traditionally, most of the 800 or so municipalities in Ontario would have sent out the final tax levy, except for this year. Very few of them have done it because of the confusion. Here we are on June 10, on Bill 16 and they're still saying, "I'm sorry" — no, they don't say, "I'm sorry." They're still saying, "We made mistakes, mistakes, mistakes." When are they going to get it right? They couldn't cross the street without help. Hopefully they'll stand in the middle and get run over by

both sides, but they're still determined to pursue their evil ways, because they're hurting people.

Anxiety leads to fear. When you don't know and you think you know, you stand by the fax machine. It keeps running through and it's different every time. Let's say if you do something — talk me to about "a promise made, a promise kept." Get it right the first time. Get all the whiz kids. I would invest my first or my last dollars. This is a dilemma. This is an impasse you have put us in and you're asking us to help you, to bail you out. We're waiting for the tax bill. It's going to go up.

The Premier has said — and we don't believe this because the homework isn't there; the substance isn't there to back it up — that each mayor should be able to enact tax savings of some 10% by the year 2000. We're in mid-1998. It's not going to happen at all.

Mr Speaker, I can see you rubbing your eyes, you have tears in your eyes and you're only about one third. Persevere. This is painful, this is difficult reading. You're only on page 12 and I've been watching you closely. Wait till you get to page 36 of this diatribe. This is not pretty. The shocking document is about to reach the doorsteps of more than three million units in Ontario. I hope that when you look at it, when you go back to your offices and taxes have gone up for Ms Jones in the privacy of her small cubicle, 74 years of age — it's not her fault. Because of reassessment —

**Mr E.J. Douglas Rollins (Quinte):** She's still got the money in the bank.

**Mr Pouliot:** "Got the money in the bank"? No, most of them don't. It's a sad state of affairs.

En conclusion, avant de permettre à notre député leader, notre sous-chef, d'apporter son appui, son conseil en tant qu'avocat et aussi en tant que membre de Dovercourt, on va faire un bout de chemin; lentement, nous allons le faire ensemble si vous allez permettre.

Je vous demanderais de vous placer dans la position d'une personne marginalisée faisant partie des tous petits, une personne, si vous voulez, non seulement victime de l'assurance social, ou une personne au salaire minimum, à petit salaire, comme des dizaines, des centaines des milliers d'Ontariennes et Ontariens. Je vous demanderais aussi de continuer le parcours, la randonnée, le trajet pour vous retrouver parmi la classe moyenne qui sont la majorité, encore une fois, des Ontariennes et Ontariens. À la veille de recevoir un état de compte sur votre propriété vous allez bientôt, si vous êtes parmi des démunis, si vous êtes parmi des petits salariés, si vous êtes parmi la classe moyenne, vous réveiller et être confronté avec la politique du gouvernement Harris.

Le gouvernement a fait preuve d'une incompétence jamais égalée dans les annales de l'Assemblée législative de l'Ontario. Ils sont les premiers, qu'il soit dit qu'ils sont les premiers, qu'ils sont les premiers à présenter des données fiscales en quatre différents projets de loi. Une erreur suit d'autres erreurs. Plus ça change, plus c'est la même chose. C'est vieux, mais c'est vrai. Chez vous ça se répète. Le pire chez eux, ce n'est pas de commettre une

erreur, c'est de sans cesse la répéter afin qu'elle devienne une habitude.

C'est un malheur qu'ils ont bâti. C'est un malheur que nous, Ontariens, Ontariennes, de façon périnéale et résiduelle, continuons d'endurer.

Je veux maintenant permettre à mon très distingué collègue M. Tony Silipo, qui est avocat et aussi qui représente la circonscription urbaine de Dovercourt, de clore le débat.

**Mr Silipo:** I want to thank my colleagues from Windsor-Riverside and Lake Nipigon for their contribution to this debate, but also for allowing me a couple of minutes as we finish off this debate.

I've had a chance to speak on this bill before, and I thought that when we got to third reading, I'd actually be able to say that the government had made some amendments to this bill that were worthy of the word "amendment." I know that the parliamentary assistant and other members of the government went to great pains earlier on this evening to portray this bill as something that has come about as a result of consultations and as a result of discussions, that does this, does that.

They may have paused somewhere along the way for a slight, small, tiny bit of consultation, but the reality is that they didn't listen, not only to the political forces out there from the municipalities, but they didn't listen to non-political forces. They didn't listen to the clerks and treasurers of this great province of ours who time after time said to the government, "Don't proceed with Bill 16 as it is, because it is flawed, because it has errors, because it's going to cause administrative and political chaos out there, because it can't be implemented properly as you've drafted it." The government has refused to listen.

The government at one instance seemed like they had finally heard. In fact, I congratulated the Association of Municipal Clerks and Treasurers of Ontario because I believed that they, unlike any other group in this province, certainly unlike those of us in the opposition, were able to get the government's attention. They sent the Minister of Finance, who is responsible for this bill, a 12-page analysis of this bill in which they pointed out mistake after mistake and problem after problem that the government was causing. This government prides itself on knowing what it's doing, this government that after four or five attempts at reforming the property tax system, depending on how many bills you want to count into the mix, still has bungled it, still is going to cause a situation which, while some small relief will be there for small businesses and others, will ensure that municipalities will only be able to turn to homeowners if they are interested or if they have to, as a result of the actions of the government, raise any additional funds.

In the few minutes that are left, I find no other more compelling argument to be made than the one that body which is the most non-political, and that is the Association of Municipal Clerks and Treasurers of Ontario, has continued to make. I'm not talking now about before this bill went to committee, I'm talking about the position of the clerks and treasurers after this bill has come out of com-

mittee, after it has gone through second reading stage and is now in its present form in front of us.

What are they saying to us? They were still saying as recently as June 8 that they want to express their "disappointment and frustration with the amendments made to the Small Business and Charities Protection Act." They say, "The changes made to the bill will not have any positive impact on municipal operations this year, nor will they provide municipalities with relief from flawed legislation."

They still believe that this legislation is flawed and won't work, and they outlined again, the day after the bill went out of committee, their frustration with this bill by saying:

"We wrote to Minister Eves detailing our concerns. We held a press briefing. We warned of administrative chaos and financial ruin if the government proceeded with Bill 16 as drafted. We got the government's attention and they promised to delay passage of the bill, hear our concerns and even decided to hold public committee hearings. We met with government officials and went through our concerns and proposed amendments. We appeared before the committee and did it all again," said Cathie Best, AMCTO president. 'And what did they do? They focused on only two of our concerns and their subsequent amendments certainly don't help and could even make the situation worse.'" They go on to say, "The amended Bill 16" — I'm talking here about the bill that's in front of us tonight for third reading — "is still a very flawed piece of legislation."

With that kind of judgement by a group such as the Association of Municipal Clerks and Treasurers of Ontario, what more can be said of how incompetent and how unjust the actions of this government are to want to ram through a piece of legislation in this kind of disorganized way, a piece of legislation that's going to cause havoc out there not just because of the delays but because of what it contains and what it doesn't contain?

What it contains is some of the fix for some of the problems that only a few months ago the government said were not a problem, when they said the problem with respect to small businesses here in Toronto and elsewhere was of Toronto's own making and they had no responsibility for dealing with it. They certainly had to come to the realization that they had a role and a responsibility to deal with that, but then in dealing with that they caused a situation in which they now are shifting the burden of any tax increases on to homeowners.

This is the fourth or fifth bill that we've had on tax reform. I suspect that long before the term of this government is over, we're going to see yet another piece of legislation that they're going to have to bring in just to fix the problems that they have failed to admit are in this bill.

That's not a judgement I just make as a member of the opposition. That's based on the very sound, non-partisan judgement of an organization like the Association of Municipal Clerks and Treasurers of Ontario, who are the people who have to implement this legislation. If they're saying that this legislation is flawed, then let me tell the



government that this legislation is flawed and this legislation is going to cause the havoc out there that you want to pretend right now doesn't exist, but will exist.

It's going to be a hot fall, because that's when we're going to see the tax bills go out and that's when we're going to see the full implications of the Mike Harris tax revolution on property tax reform.

**The Acting Speaker:** It is 9:25. Pursuant to the order of the House dated June 1, 1998, I am now required to put the question.

Mr Baird has moved third reading of Bill 16. Is it the pleasure of the House that the motion carry?

All those in favour, say "aye."

All those opposed, say "nay."

In my opinion, the ayes have it. The motion is carried.

Be it resolved that the bill do now pass and be entitled as in the motion.

It being almost 9:30 o'clock, this House stands adjourned until 10 tomorrow morning.

*The House adjourned at 2125.*

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## Assemblée législative de l'Ontario

Deuxième session, 36<sup>e</sup> législature

# Official Report of Debates (Hansard)

# Journal des débats (Hansard)

Thursday 11 June 1998

Jeudi 11 juin 1998



Speaker  
Honourable Chris Stockwell

Président  
L'honorable Chris Stockwell

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# LEGISLATIVE ASSEMBLY OF ONTARIO

Thursday 11 June 1998

# ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Jeudi 11 juin 1998

*The House met at 1000.  
Prayers.*

## PRIVATE MEMBERS' PUBLIC BUSINESS

### SAFE SCHOOLS ACT, 1998 LOI DE 1998 SUR LA SÉCURITÉ DANS LES ÉCOLES

Mr Newman moved second reading of the following bill:

Bill 21, An Act to promote Safety in Ontario Schools and create positive Learning Environments for Ontario Students by making amendments to the Education Act / Projet de loi 21, Loi visant à promouvoir la sécurité dans les écoles de l'Ontario et à créer des milieux d'apprentissage favorables pour les élèves ontariens en apportant des modifications à la Loi sur l'éducation.

**The Acting Speaker (Mr Gilles E. Morin):** Pursuant to standing order 95(c)(i), the honourable member has 10 minutes for his presentation.

**Mr Dan Newman (Scarborough Centre):** Over the past decade, school yard violence has changed throughout North America, and Ontario has certainly not been immune to that change.

While many may argue whether violence in schools has or has not increased over the years, one thing is indeed certain: The acts have become more violent in recent years. More weapons are finding their way into our schools, and students are becoming more accepting of retaliation and violence as the norm in our society.

The problems do not exist solely in our largest cities. Small communities in Ontario are beginning to see changes as well.

Although Ontario schools cannot be compared to US schools, with metal detectors and armed guards roaming school corridors, we must not shy away from the issue just because it has not yet exploded here.

My Safe Schools Act will ensure that Ontario's schools are the safest places in the world to study and to work.

During the past two and a half years, I have been consulting with principals, teachers, students, parents, police and others across Ontario about school safety and what changes are needed. The overwhelming majority of people said that the province needed clear and consistent policies and programs, programs that would ensure safe learning and working environments for all students and teachers in Ontario, whether in a school in Toronto, Ottawa, Windsor or Thessalon. They told me that legislation needed to

address all aspects of school safety, from programs to deal with those who had engaged in misconduct to programs designed to ensure that violence does not happen in the first place.

My Safe Schools Act provides a provincial framework and set of standards, while allowing local communities to tailor the specific programs and policies to their own local needs. My Safe Schools Act will ensure that generations to come are raised in an environment that stresses conflict resolution, not conflict, and teaches responsibility for one's actions.

My Safe Schools Act has certainly been a collaborative effort with education partners from across our province, and it will be an effective tool for reducing violence in Ontario's schools because it was developed with the input of people who will use it in Ontario's schools.

My Safe Schools Act, if passed by the Legislature, will create a new power entitled "exclusion" that will provide principals with a means to exclude students from regular classroom settings who are at risk of engaging in dangerous conduct, whose conduct is detrimental to the safety and security of other students or staff or as a response to students' misconduct. These students will be assigned to a guidance counsellor and directed to attend an alternative education program where they will remain until such time as the principal and the guidance counsellor are satisfied that the student is no longer a risk.

My act will also create a new provincial offence for trespassing on school property, with mandatory reporting of such incidents on the student's official record.

Further, my Safe Schools Act will require school boards to establish safe school programs, anti-bullying policies, school codes of conduct and anti-vandalism policies.

Safe school programs will have to include measurable objectives for improving school safety and a procedure to provide a public report card, on an annual basis, to demonstrate whether those objectives are being met.

Anti-bullying policies will require mandatory reporting procedures and will help to recognize and halt bullying before these students grow older and more violent.

School codes of conduct will also require mandatory reporting procedures and may include such things as a ban on pagers, cellular phones and gang paraphernalia.

Anti-vandalism policies will provide principals with the ability to order students to make restitution or to perform community service.

My act will make parents liable for damage done by their children.

My act will also require school boards to appoint court liaison officers, who will monitor proceedings involving board students, act as a link between courts and schools and assist in the development and monitoring of bail and sentencing conditions.

If passed, my Safe Schools Act will allow boards to direct psychological assessments of students who present a risk of engaging in dangerous conduct and will require parents to advise a board if they believe there is a risk of their child engaging in dangerous conduct.

My act will also require school boards to provide training to students and staff in such skills as conflict resolution and anger management.

My Safe Schools Act will create a provincial weapons and violence-free schools policy that will apply not only to misconduct committed at school but on school buses, at school-sponsored functions off school property and anywhere else that misconduct has a direct impact on the safety or wellbeing of any student or staff member.

This policy will mandate automatic exclusion and possible expulsion for students who commit assault or who possess a prohibited or restricted weapon. It will provide principals with a framework for responding to other student violence as well. My act also gives principals powers to search for and confiscate prohibited items, and it gives teachers and staff immunity from civil liability in specific circumstances where they act to maintain order in our schools.

My Safe Schools Act will require all boards in Ontario to design and implement alternative education programs for students who are suspended or excluded and will require those programs to meet some specific provincial standards. The programs will be required to take place at alternative sites from regular classes. They will have a maximum class size of 10 students. They will focus on the fundamentals of literacy and numeracy and will teach skills like conflict resolution and anger management.

Finally, if passed in this House, my act will require all school boards to establish safe school advisory committees that will make recommendations to their board.

My Safe Schools Act is a comprehensive piece of legislation that not only responds to student misconduct but provides for early intervention, education and rehabilitation. This bill provides principals, boards and police with better tools than they have today to deal with at-risk students and to make Ontario schools safer places to study and to work. The response and support from across Ontario for my act has been overwhelming. I have received literally hundreds of e-mails via my Web site at [www.HelloNewman.com](http://www.HelloNewman.com), numerous phone calls, faxes and other calls from across Ontario.

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Deborah Knapp, a parent and chair of the Robert Service Senior Public School council, who is in the members' gallery today, says: "I appreciate the fact that we are no longer going to tolerate violence in our schools. As a parent, I am glad to see that we will finally have consistency in all schools in Ontario."

Keith Currie, a principal from the Algoma District School Board, says: "This is legislation that sets out an excellent framework so that local policies can be developed that will have a consistency throughout the province of Ontario. This is legislation that will put order back into our school system. As a principal for the past 28 years I can say, 'A job well done!'"

Bob Heath, the associate director of education for the Toronto District School Board says: "This act has captured most of the 'best practices' of schools and school boards that are successfully addressing the safe schools issue. It includes measures for prevention, intervention and response to school violence and will be strongly supported by school administrators, parents, students and the community."

Our students know how important this bill is. Geoff Alston, an OAC student at Cedarbrae Collegiate Institute in my riding of Scarborough Centre, says: "There needs to be more discipline and respect for authority in our schools. This act will certainly set things straight, and that's important to me because my younger sister will be entering high school next year and I want to feel that she'll be in a safer environment." I commend Geoff for putting those comments forward.

I received an e-mail from Carp, Ontario, from a concerned citizen who hoped that there will be the political will in this House to pass this bill. I do hope there is political will in this House to pass this bill, because this bill's important to everyone in Ontario.

I look forward to the support of every member of the Legislature, regardless of their political affiliation, so we can pass this bill to make Ontario's schools the safest places in the world to study and to work. We owe it to our students; we owe it to our teachers.

**Mrs Lyn McLeod (Fort William):** I don't think anybody in the House would argue with the stated purpose of this bill, which is to ensure that Ontario's schools are safe and secure learning and working environments and to reduce the potential for violence. This is an initiative which members of our caucus and party supported when the safe schools policy was put forward by the previous government, and we continue to be wholehearted supporters of the safe schools policy.

In fact, Mr Newman notes in his prefatory notes to his bill that where quality violence- and weapons-free school policies are indeed enforced in schools, school violence has dropped dramatically. I would suggest that what those safe schools policies need are support and resources to be enforced rather than additional legislation.

Mr Newman's bill is much less, I believe, than what his crime commission colleagues have suggested should be in a Safe Schools Act. It doesn't seem to have things like the isolation of students within the school setting. What the bill adds is "exclusion" to the provisions that already exist in the Education Act to have a 20-day suspension or an expulsion of students.

I want to note that it also has some good ideas: an alternative program for students who are suspended or excluded from school. The difficulty I have is not with the



alternative program; it's the fact that there is no money for alternative programs now. The bill also suggests that there should be a monitoring of any excluded student by guidance counsellors, and I think that is a superb idea. My concern is that, as I look at the funding formula that this member's own government has put forward, I see that guidance counsellors are included with librarians and that boards are going to be forced to cut both librarians and guidance counsellors. In fact, in our elementary schools, there will only be one guidance counsellor to every 5,000 students, according to this government's formula. I don't know how one guidance counsellor to 5,000 students can monitor the day-to-day activities of excluded or suspended students, as much as I believe that's a good idea.

I also think that the idea of boards having court liaison officers is a good idea. We now have attendance counsellors who could serve that role. What has happened to attendance counsellors under this government's funding formula? They are included in a category of professionals and paraprofessionals. The boards must fund, out of that specific funding line, psychologists, psychometrists, speech pathologists, social workers, child and youth workers, community workers, library technicians, computer technicians and attendance counsellors. Where would boards get the money to add attendance counsellors, let alone designate them as court liaison officers?

I would suggest to the member opposite that, as a member of the government caucus, he pressure his government to provide the resources to implement what we would all agree are good ideas. In the absence of resources, in the absence of real support, this bill leaves us only with another form of exclusion, a moderated form of expulsion. I don't believe it requires legislation to put in place the good ideas of alternative programs and the monitoring of guidance counsellors; it requires the support and the dollars of government.

Despite the good ideas and the concerns I have that those good ideas are not supported by government resources, my major reason for not being able to support this bill today is a very specific clause which falls within this bill. The member opposite should not be surprised, because he's put this bill together very carefully, and I respect that. That's why I am extremely concerned about the clauses in this bill which give the freedom to board employees to use reasonable force to maintain order in the schools.

Beyond that — and the bill is very specifically worded — it gives protection from liability to a board employee or to a teacher who uses reasonable force for correction, provided that force is used in good faith. This is in this bill without any kind of qualification, without any kind of condition. This is not about freedom from liability if you use restraint to prevent a student from doing violence to himself, to others or to the school property. This says reasonable force for correction.

I've spent almost 30 years involved in public education, and consistently throughout those 30 years I have believed that we should not open the door in any way to the sanctioning of physical discipline or corporal punishment.

I cannot read this bill in any way other than to believe it does that, and for that reason I cannot support it.

I'm joined in my concern by the Ontario Federation of Home and School Associations, who have said they have grave concerns about this bill. They believe it clearly infringes upon human rights and is open to subjective interpretation. There has been no province-wide public consultation with parents, teaching staff or students. For that reason, the home and school associations call upon parents, their members and educational partners to lobby their local MPPs to delay the second reading of this bill until the formal consultation process has been established. I share their concerns and will not be supporting second reading of the bill.

**Mr Bud Wildman (Algoma):** I rise to participate in this debate. I think I understand the motivation of the member in bringing forward this bill. He has attempted to craft the bill carefully. However, the member himself mentions that if there are safe schools policies in place, the amount of violence has dropped in the schools where they are in place. Also, under the previous government, school boards were supposed to implement the policy which deals with a number of the issues raised by Mr Newman in the arguments he makes for his bill.

The safe schools policy that was instituted by the previous government takes a broad view of violence, including in it not only bullying and the possession of weapons and these very difficult problems experienced in some school yards and schools, but also racial and other types of slurs and discrimination, discriminatory attitudes. I'm not sure that these kinds of violence are properly addressed by the legislation. Also, if the boards across Ontario have properly implemented the safe schools policy instituted by the previous government, I think legislation is not really necessary.

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I also want to point, as my colleague from Fort William did, to the current situation faced by boards across Ontario. Whether or not we support the legislation proposed by my friend from Scarborough Centre, it will be very difficult for boards to do a number of things that he proposes in his legislation simply because of the cutting formula that has been instituted by his government, the amount of funding that has been taken away from classrooms and taken away from schools in this province despite the promises made by the party of which the member for Scarborough Centre is a member when they were running for election.

We have situations across the province where there will not be adequate guidance counsellors available to do the kinds of things that guidance counsellors are responsible for, and if they are to be given additional responsibilities under this legislation, I don't know how that will be funded.

Also, many schools now, particularly at the elementary level, are eliminating vice-principals because of the cutting formula that has been brought in by this government. In many schools now the principal is being twinned; in other words, one principal in charge of two schools. So the

principal will not even be in the school all the time because the principal is responsible for more than one school and thus will be in one school in the morning and the other school in the afternoon, or alternate days and so on.

In many other cases where this is not happening, boards are having principals who will return to the classroom; in other words, they will be part-time principals. They will still have the full-time responsibilities of the principal, but they will only have part time to do it, and the rest of the time they'll be teaching, back in the classroom. The Minister of Education and Training has specifically advocated this kind of measure as a way of trying to cut costs.

If the principal had the proper resources, the proper time and support — of vice-principals, in larger schools, of the guidance counsellors who are required, of the psychologists and support staff who are required — then we could deal with a lot of these issues. But to cut funding and at the same time add these responsibilities to ensure safe schools is to be self-defeating. It can't be done because of the funding.

The other thing that the cutting formula is doing is significantly cutting the number of custodial staff in schools. Particularly at the elementary level but also at the secondary level, custodians don't just ensure that we have a clean, environmentally safe school; they also are the eyes and ears, in many cases, for the teaching staff and for the administration of the school in determining if there are problems among students. If there is a student who is acting out, if there is a student who is perhaps skipping class and so on, the custodian is often the first one to know and the first one to alert the teachers and the principal or the vice-principal.

Yet what we're seeing now, because of the cutting formula of this government, is that many schools will not have a full-time custodian, or even a part-time custodian in many cases. In many cases the boards now will have teams of custodial staff who will go to a school perhaps once a week or every two weeks to clean, or they may go more often than that but it may be in the middle of the night when the school isn't even operating. They will not be able to give the kind of support to ensure a safe, secure environment in the school that they now provide. Unfortunately, this government doesn't see custodial services as part of the classroom. Despite the fact that they say they are putting more money into the classroom, they've significantly cut the funds that provide support for the classroom. As a result, we're seeing many custodial staff laid off by boards across this province, thanks directly to the cuts that this government has brought in. How they are going to play the kind of role that I think is necessary to implement a safe schools policy, and certainly necessary to support and help to implement the kind of legislation that's being proposed by the member for Scarborough Centre, I don't know.

I regret that we have what appears to be an attempt to deal with a serious concern of parents, of teachers, of trustees and administrators and of students across Ontario

in the proposal of this legislation at the same time we have a government that isn't prepared to put its money where its mouth is in terms of funding proper, safe, secure schools for our students in Ontario.

**Mr Wayne Wettlaufer (Kitchener):** I am pleased to support this bill which has been brought forward by my colleague from Scarborough Centre. It's a step to assist our educators and students; that's what this bill is all about.

For too many years they have been faced with an onslaught of anti-social behaviour. Every day we hear stories of violence, drugs, gangs, vandalism, swarming, suicide, and other anti-social behaviour which jeopardizes what should be safe havens of learning for our young people. We need to take affirmative action. We need to help our educators maintain and regain control in our schools. We have to reassure teachers that they are not alone in their battle against aggressive, anti-social behaviour, behaviour with which they have been faced for the last 10 or 20 years.

I recently introduced a bill aimed at rewarding responsible students by elevating the responsibility criteria for students' eligibility to obtain or maintain a driver's licence. This bill that my colleague has brought forward is an additional step, a very favourable step, along the path which we need to provide our educators and our students.

I support the bill. Thank you very much to my colleague.

**Mr David Caplan (Oriole):** I am very pleased to join this debate. I'd like to say at the outset that no one in this House opposes safe schools and the intent of the kinds of measures that are in this legislation. I know that in my past as a former member of a board of education, I took many actions and worked with school communities, worked with groups like the North York Parent Assembly, to promote safe schools.

**Mr Terence H. Young (Halton Centre):** What results did you get?

**Mr Caplan:** Well, safe school policies are not new to most boards and to most schools, and I'm going to comment on a few issues.

My initial reading of this bill and my initial thoughts on it are that this bill amounts to nothing more than grandstanding. Many of the measures in this bill are contained in current legislation, and the current practices in place seem to be working. In fact, a study done by the member's three crime-busting colleagues, if you will, says that the violence-free school policy which was brought in by the previous government, which mandated that incidents of violence have to be reported as they occur in schools, shows a 23.6% decrease in violent incidents. Amazing. If you read this bill, you get the sense that there is a mounting and escalating problem. It's not held up in fact. In fact, this bill weakens current practices and current legislation.

The second issue that I'm going to talk about is the implementation, because there is no money in the funding formula to provide for some of the measures in this bill.



Finally, I'm going to talk about how far this legislation will go, particularly as it mandates court liaison officers and safe school committees — those provisions are very vague — and some of the potential problems when it comes to privacy issues.

My initial remarks talked about grandstanding, and that's what this is. Some of the measures in this bill, as I said, are already in current legislation, and in fact some of them weaken existing legislation.

The member suggested that he's brought in a new concept of exclusion from schools. I happened to take a look at the Education Act, section 265, under "Access to school or class." It says: "(m) subject to an appeal to the board, to refuse to admit to the school or classroom a person whose presence in the school or classroom would in the principal's judgement be detrimental to the physical or mental wellbeing of the pupils."

Exclusion: The principal can exclude kids from classrooms and from school. This is a new power that the member claims is being proposed. It exists in legislation, it can be enforced by principals, and there's an appeal route to the board. Quite amazing that the member would pass off something that already exists as a new power.

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The second instance that I would suggest is in the area of trespass. I have problems with the way this law is set up, because it is far too loose. The prohibitions to entering school property are covered in something called the Trespass to Property Act, an existing piece of legislation. In fact, section 2 of the Trespass to Property Act outlines the rights of school boards. I'll give you one example that I dealt with as a school board trustee.

A family unfortunately had broken up; there was a divorce. The custodial parent was the mother. One day the father showed up at the school, walked into the school and removed the young boy at lunch. The mother hit the roof, because the father did not have that right. The Safe Schools Act allows for unfettered access by any parent to school property. If this was going to have any teeth, they should be custodial parents. That is a very dangerous and difficult practice, and I think the measure that the member has brought in is not well thought out.

I don't have much time, so I'm going to have to go very quickly, but in the area of parental responsibility, the member is proposing to throw out hundreds of years of our justice system, where you no longer have a defence. If you take every reasonable action to maintain discipline with your kids, then you should have a defence against this parental liability issue. What the member is proposing is that you have no defence. If you've been negligent, certainly you should be able to be held liable, but you have no defence.

As the member for Fort William and the member for Algoma spoke about, the funding has been cut by this government. How are they going to come up with the dollars to implement some of these ideas? I would much rather have seen the member stand in his place and talk about adequacy of funding for our schools and fight for adequate funding for our schools.

A couple of other matters: The court liaison officers section is vague. You say "school advisory committees." The access to information I think is quite troublesome as well.

I will not be supporting this legislation, and I can advise the member for Scarborough Centre that he doesn't have to have his constituency assistant call to solicit opinion posing as a home and school group.

I will turn this over to my colleagues.

**Mr Peter Kormos (Welland-Thorold):** It's a little bit of a wacky bill, if you get right down to it. I understand the title. The title's consistent with the style over there of titling bills to put a nice spin on them, but when you go through the bill and see what's actually included — and it was so readily commented on by Bud Wildman, the member for Algoma, as well as the member for Fort William, Ms McLeod, and Mr Caplan. It becomes pretty obvious.

I wonder, is this a wannabe crime commissioner? Is he trying to outgun the Three Stooges? I'd be interested in hearing from Mr Newman's close friend and colleague. I know he has a strong rapport with Mr Brown; I know he and Mr Brown share some common interests and they work closely together in a spirit of cooperation. I know they've abandoned self-interest in this level of co-operation, that they join each other. I know they have no dispute between them.

I'm concerned, and I'm anticipating Mr Brown joining this debate. Would Mr Brown attack this as being another liberal bleeding-heart sort of move that is only going to cause further deterioration in our communities? What would a real crime commissioner have to say about this? I'm anxious to hear from a real crime commissioner rather than somebody who merely wants to outgun him.

You've got some weird stuff in here. Maybe I'm out of touch. Look, I come from Niagara, from small-town Ontario. I'm in schools there on a frequent basis.

The business of trespassing on school property: I understand there are a couple of Tory backbenchers, one in particular, who have some intimate familiarity with exclusion from school property. He was told: "Go away. We don't want you here. You're trespassing. Be gone with you." That was the member for Halton Centre. He wasn't charged with trespassing, but it was clear that the school administration, the principal, utilized his powers under the Trespass to Property Act to say: "Go away. We don't want you here. You have no business on the school property." I don't know whether he knew who Mr Young was or not and, if he did know him, whether that was what prompted him to say, "Go away," as compared to a mere stranger on the premises. But in any event, clearly a principal of a school has powers, and Mr Caplan referred to them, under the Trespass to Property Act to say: "Go away. You're not welcome here, and if you don't go away, you'll be arrested." It's as simple as that.

There's a provision in here permitting school boards to have a ban on wearing hats. I understand that for generations past wearing a hat indoors was considered at the very least impolite. I understand that.

**Mr Wildman:** By a male.

**Mr Kormos:** By a man. Quite right. I remember going to church as a kid, and women traditionally wore hats; it was required of them.

*Interjection.*

**Mr Kormos:** You're right, it's tough to imagine me as a kid, but I remember well women wearing hats in church. It was required of them, quite frankly, in the church that my family belonged to.

A ban on wearing hats smacks of being — I remember the hysteria of the 1960s, when it wasn't hats, it was length of hair. Some of us had hair in the 1960s; some of us have hair now, as compared to other members of this assembly. The subversive quality of long hair — you recall that, Speaker, don't you? By God, the world was going to collapse; we were going to fall into thorough moral decay because kids wanted to grow their hair over their ears, or Lord knows where they wanted — who cares? But the mania, the obsession with long hair, which proved so stupid at the end of the day — the fact is, whether or not it's considered polite by previous generations for somebody to wear a cap with the bill, the beak — what do you call it?

**Mr Wildman:** The peak.

**Mr Kormos:** The peak, whatever it is, the sun visor on the cap, down the back of your neck as compared to over your front — do you really care? I'm far more interested in seeing that kid in school, where that kid should be. If that kid feels he's a little cooler, as compared to being less cool, by wearing his cap, do we really care about that? Is that the sort of thing we want to become obsessed with?

As Ms McLeod mentioned, this bill turns back the clock a good number of years. Someone's going to say that's a good thing. This bill endorses corporal punishment. We already know the Criminal Code. Mr Caplan has made reference to it. The Criminal Code makes it clear that anybody can use physical force to resist violence. That's clear; that's a given. This bill encourages the use of violence. I find that very bizarre, that a bill the theme of which is to control violence would at the same time endorse it and reinstate violence as a means of correction. What a bizarre concept it is now, in 1998. I understand that 40 years ago that was considered appropriate. Thank goodness a whole lot has changed in 40 years.

The bill, to me, smacks of something of an insult to the teachers and the young people I know at schools in Welland and Thorold. It denies the reality that down in Niagara region alone we've lost 200 teaching jobs in the last week and a half, 200 jobs gone. Just this week, 94 support staff gone from our schools, not to be replaced: not people who are retiring, who are going to be replaced by new staff, but gone, eliminated.

I hear the member when he says he has consulted with teachers. I don't think the teachers where I come from have been talked to by Mr Newman or by this government, not that they haven't been talked at because Bill 160 spoke volumes to them.

Here's a government that has demoralized the teaching profession, that has gutted — we're going to lose up to 10,000 teachers across the province. It talks about imposing these sorts of standards on what's left. What this government has done by way of Bill 160 is going to result in fewer kids finishing high school, in more discord, more acrimony, more violence, not less.

**1040**

**Mr Bruce Smith (Middlesex):** It's certainly a pleasure to add some brief comments to the debate this morning. I'd like to start by congratulating my colleague from Scarborough Centre for his perseverance and diligence in the preparation of this bill. Certainly, through my involvement with the ministry, his dedication has been very evident, given the number of hours he has allocated to crafting this bill and the extent of the work he has undertaken with the ministry in preparing the legislation itself, as well as those people who find this issue important in his community.

I would say at the outset that I certainly support the thrust and the intent of this bill, as I trust all members of this Legislature do, in our efforts to ensure that every effort has been taken to protect the safety of our students and our teachers in the classroom.

That issue was heightened again last night as I participated in a public forum on education issues with my colleague from Peterborough, where a parent came forward expressing this very issue, an issue that was important to her as it relates to the young children she has participating in the elementary school system in the Peterborough area. It's a recurring theme I see and hear constantly across this province as I have the opportunity to visit with different education communities and representatives, and it's that recurring theme that re-emphasizes the need, as has been indicated by other members, that is very important: the safety of our schools.

As well, the context of the member's bill, to promote safety and create a positive learning environment for Ontario's students, is very consistent with the government's objectives with respect to education reform in this province. Contrary to the point of view expressed by my friend from Algoma, the government's objective with respect to education reform in this province is clearly one of investing in the students of this province and investing in front-line teachers. It's about making schools places of academic excellence, and clearly my colleague from Scarborough Centre shares that point of view, by ensuring that each and every day that students are in the classroom, the safety mechanisms are there that they need to achieve the academic excellence that both parents and others want to see them achieve in their academic career.

I am somewhat surprised by the comments from the member for Oriole, given his past experiences as a trustee. He will know that typically the use and application of the terminology of exclusion has not been pursued in practice, albeit there is reference in the Education Act. The strength of the Education Act is in the reference to the terminology as it applies to expulsion and suspension. That is why the member for Scarborough Centre has moved, in my



opinion, to strengthen the language around the exclusionary provisions that are referenced in the Education Act by placing it in a stronger context with respect to school safety in the future. It's my understanding as well that this is consistent with the direction the Ministry of Education is pursuing in terms of anti-violence and violence-free schools.

I congratulate the member for bringing this forward, I congratulate him for his diligence and for his concern for the safety of students and teachers in this province.

**Mr Dominic Agostino (Hamilton East):** I'm pleased to join the debate here today. I'm not going to repeat what my colleagues on this side of the House have already mentioned. I think there is some violence in our schools, some difficulty in our schools, but if you listen to the government members you'd think that every single student in this province is running around with guns, knives and gang colours on.

The reality is that there are some bad kids, some kids who cause problems. The vast majority of kids in the schools in this province today do not cause the types of problems we've talked about here today. Most of the kids go to school for the right reasons. Most kids go to school and behave.

I want to focus in on the issue of reasonable force. I find it absolutely amazing and ironic that the intent of a bill that is to curb violence in schools advocates violence as a way of achieving that result. Most parents in this province would be appalled to believe that this government wants to give teachers the right to physically assault their kids. Reasonable force is totally open-ended.

My colleague mentioned the defence issue, and nobody would argue with that, in self-defence. Why should any teacher in this province, with the exception of self-defence, have the right to use force on a student? That concept of 30 or 40 years ago, where teachers thought it was appropriate to slam students against lockers, where teachers thought it was appropriate to pick up students and slam them against the wall: I think we have progressed from that stage as a province and as a society. What message do you send to the student?

Teachers don't want that power. They don't want the responsibility in trying to make them police officers in the schools that you're trying to give them. They don't want that.

We got rid of the strap in this province for good reasons. I can tell you I was the victim of 40 or 50 beatings by the strap as a kid. I didn't enjoy it. It was wrong.

**Mr Frank Klees (York-Mackenzie):** Should have got it more often.

**Mr Agostino:** I can tell my colleague across the floor, sitting there with that smirk, "Should have got it more often," that if you think it's acceptable for your kids to be assaulted by a teacher in a school, I sure don't agree with that concept.

*Interjection.*

**The Acting Speaker:** Order, member for Etobicoke-Rexdale.

**Mr Agostino:** I believe that what you want is simply to continue bully tactics and you're going to try to force teachers to be bullies. Teachers don't want to be bullies. They don't want to use force against students.

Why in a bill that's supposed to promote safe schools, supposed to curb violence, would you suggest that a means to that continues to be giving teachers some power that they don't have or want today, to use force? Think about it, the example to 25 or 30 kids in that classroom when a teacher uses force against one student. It sends out the message that it's acceptable for the kids to use force against each other or against a teacher, and that is a wrong message.

Any educator, anyone who's dealt in the field will tell you that this bill, as it invites the use of force, is wrong. It's detrimental to the kids and it's detrimental to education in the province.

**Mr John Hastings (Etobicoke-Rexdale):** It's amazing to hear some of the remarks from members opposite, that there hardly is any problem of violence in the schools today, that the schools are almost like Beaver Cleaver of 1950. I guess reality does impinge in some areas and it certainly has in Metropolitan Toronto and throughout other parts of the province.

To me, the member for Scarborough Centre's bill is one of the fundamental ways of dealing with the problem. What is the problem? Two weeks ago in my own area we had two students stabbed near a school. We've had other incidents in the last year of using guns. But of course the members across would say that's not a product of the schools, it's not a product of society; of course we do have a gun control law from the federal government and that should have solved that problem.

There is no doubt this particular bill deals with some of the specific problems that not only bother teachers and parents, but kids in the schools. Let me quote. The students of Lakeshore Catholic High School, in their own submission to the Crime Control Commission, said, "There should also be zero tolerance in all schools to deal with youth crimes in the area of drugs, weapons and acts of violence."

I have to commend the member for Scarborough Centre for getting this bill prepared with the diligence and the careful preparation that he has brought forward in the bill, because it deals with some of these fundamental problems.

If you look at some of the school boards that have amalgamated, they still haven't developed a coordinated anti-violence policy dealing with this whole issue that the member for Fort William has mentioned. That is another fundamental reason for bringing forward this bill. Not only that, she spoke about the necessity of more resources. In point of fact the Rotary Clubs across this country and in the Metro area haven't been waiting to deal with sexually abused kids who are sometimes the products of schools. We've dealt with it through what is called the Gatehouse, which will be setting up very shortly in the member for Etobicoke-Lakeshore's riding. The Gatehouse is funded by the Rotary Club of Toronto West, Etobicoke Sunshine and the Etobicoke Rotary Club. This is community based resources focused at its best.

I hope that the problems we're dealing with in this particular area aren't around, so that the member for Scarborough Centre's son, who was just born about three weeks ago — congratulations — is able to go to school in a free learning environment. That's what we need.

1050

**Mr John O'Toole (Durham East):** I'm going to start by commending and congratulating my good friend the member for Scarborough Centre, Mr Newman, on bringing forward a policy that's long overdue. Zero violence policies and, as the member for Fort William said, safe schools policies are not new. Clarification is what students, parents, teachers and school community councils have wanted for a long time. They've wanted it to clarify their role, duty and what they're authorized to do. But let's face it, today our politically correct, litigious society makes all our jobs much more difficult. Really we need clarification.

I think Mr Newman's attempt in this private member's bill is to outline clearly and specifically the school codes of conduct. I think there's a great role here for all of us to play to clarify the role within the school.

In my riding of Durham East I've met with many parents, parent councils, schools and educators. For the record, recently I met with one of the teachers, Mr Aggett, from Port Perry High School, and the OAC class. They attended a working forum here at Queen's Park. I can tell you, for the record, I was impressed. I was impressed with their behaviour.

I'm generally impressed with youth in our society today. We are generally letting the few marginal people spoil it for the rest of the decent citizens. I think Mr Newman's bill attempts to segregate those groups of individuals that want to spoil it for the rest.

In my riding I've met with principals and school community council chairs who work very hard to develop good working relationships in the schools and make it safe for our students, principals like Sharron Turbovitch and her school community council; Allan Garbe, from Hampton Junior Public School; Sue Medd, from Newcastle Public School; Joanne O'Sullivan; and the Christian schools in my riding.

I think all members here today would want to look at Bill 21, the Safe Schools Act. We need all members to support this. A vote for Mr Newman's bill is a vote for safe school communities. I ask every member to give it serious consideration.

**Mrs Julia Munro (Durham-York):** It gives me great pleasure to rise today and join with my colleagues in support of Dan Newman's private member's bill, the Safe Schools Act, 1998.

I would like to speak to amendments made to subsection (23), suspension and expulsion of pupils, of the Education Act, which creates a new category of suspension called "exclusion." This new tool allows principals to exclude a student under the age of 16 years from the regular class setting and direct that student to attend an alternative education program.

The principal makes these decisions based on a number of criteria, such as, is there a serious risk of the student engaging in dangerous conduct or is the pupil's conduct detrimental to the safety and security of other students or staff? The student shall remain in the alternative program until the principal and other staff are satisfied that the student has received training, therapy or counselling and is unlikely to engage in dangerous conduct or commit conduct similar to that for which the student was excluded.

Too often today kids consider suspension from school an unscheduled holiday. They do not consider this punishment. Parents, on the other hand, are put in the difficult position of having to decide whether or not they leave this child at home unsupervised for the duration because they do not have the flexibility to take unscheduled time from their work. No one wins in this situation. The student, now behind in his school work, will continue to be angry and disruptive. There has been no lesson learned, other than the unintended consequence of a holiday.

Schools and taxpayers cannot be expected to take over parents' responsibilities for the actions of these children. We have to create an environment at home and at school that teaches kids how to think, not just what to think. This should be a process where kids learn that they can make choices, decisions and mistakes, and can continue to grow from all of these. Kids need responsibility and decision-making opportunities so that as they approach adulthood they will be making all their own decisions and will be truly responsible for their own behaviour.

The existing system does not meet these needs; the Safe Schools Act and the alternative education program do. "Exclusion" provides a way for dangerous or at-risk students to be removed from regular classroom settings, while leaving principals enough flexibility to design programs that meet their individual needs. We should remember that the most effective deterrent is not the severity of the punishment but the certainty of it.

**Mr Klees:** I want to join with my colleagues in congratulating my colleague the member for Scarborough Centre for bringing this bill forward for debate.

I will be supporting this bill for two reasons: first, because I know that my constituents, in the vast majority, support this initiative; second, because I personally believe it's time that this Legislature deal with matters of substance that relate to young people in our province.

This bill deals with some key principles that I'm sure we all support: first, that all students in this province should have the right to know that when they go to school, they're going to a safe place in which they can learn and develop positive relationships; second, the principle that all parents in this province should have the right to know that when their children leave in the morning they are going to a safe place where they can learn, where they can play, where they can develop positive relationships in a supportive and friendly environment that is not threatening to them; third, that all teachers in the province have a right to know they can carry out their profession, they can teach in an environment that is safe, that is conducive to learning and that in the end is positive in developing character-



istics in the young people for whom they have responsibility; fourth, this bill sets a framework for our education system within which there are known consequences for inappropriate behaviour, and it also builds in a support system for those young people who have special needs, behavioural problems, and gives them a support to ensure that they can go on to live supportive and productive lives.

**The Acting Speaker:** Member for Scarborough Centre, you have two minutes.

**Mr Newman:** I'd like to thank the members for Kitchener, Middlesex, Etobicoke-Rexdale, Durham East, Durham-York and York-Mackenzie for their comments and their support of Bill 21. I want to thank the member for Algoma for his comments. To the member for Welland-Thorold, as wacky as his comments were, I appreciated hearing them; they were rather entertaining. To the member for Fort William, I am quite frankly shocked and disappointed that you're not in favour of this bill and you're not in favour of safe schools. To the member for Orillia, I think you have a lot of nerve making the accusations you made today in your comments, and quite frankly your debate is not even worthy of response on my part.

I'd like to remind all members that this private members' hour is a time when private members can bring forward bills or ideas on behalf of their constituents. That's what I've done here today. This is not a government bill. So I remind opposition members today to show some courage, go against how your leaders' offices are telling to vote against this bill, stand up for safe schools, stand up for the students of Ontario, stand up for the teachers of Ontario and show some courage, because a vote for this bill is a vote for safe schools; a vote against this bill is a vote against safe schools.

Judging from the debate today on the part of the Liberals and NDP, they're simply playing partisan politics and they ought to be ashamed of themselves. I ask them again to show some courage, stand up and vote for this bill, because this bill is what's needed in Ontario today.

In fact, in my own community there was a stabbing right across the road from the high school I attended, R.H. King Academy. So I say to the members opposite, get your heads out of the sand, get out and see what's happening in Ontario today, and you'll know that this is what's needed. This bill is needed in Ontario so we have safer schools.

**The Acting Speaker:** The time for the first ballot item has expired.

1100

### PHYSICIAN SHORTAGE

**Mr Michael Gravelle (Port Arthur):** Whereas a 1996 agreement signed by the Ontario government and the Ontario Medical Association commits the Ministry of Health to spend \$36.4 million of new moneys to implement alternative payment plans in medically underserved communities in the fiscal years 1997-98, 1998-99 and 1999-2000; and

Whereas in the past fiscal year virtually none of this committed funding was spent due to the government's

insistent on funding only a minimum of physicians per community rather than a sustainable physician complement necessary to retain and recruit needed physicians; and

Whereas the Ministry of Health has stated in the Legislature that she is looking for proposals to utilize these funds; and

Whereas a group of 38 physicians in northwestern Ontario eligible for globally funded group practice agreements have worked together with the Professional Association of Internes and Residents of Ontario, the Northwestern Ontario Associated Chambers of Commerce and the OMA to put such a proposal forward to the Ministry of Health that identifies realistic and practical improvements to the present GFGPA model which, if implemented, would result in sustainable physician recruitment and retention in northwestern Ontario communities; and

Whereas the proposal, if accepted by the Ministry of Health, could serve as a model for many northern and rural medically underserved communities in the province;

Be it resolved that, in the opinion of this House, the Minister of Health must fulfil her commitment to provide the positive incentives necessary to attract needed physicians to northern and rural communities; the Minister of Health should negotiate a change in the alternative payment plan agreement so that the committed group practice funding would be based on a sustainable physician complement, a critical mass, in underserved communities rather than the present underserved minimum designations; and the Minister of Health should allow funding for physician services to recognize the special and unique workload and responsibilities of physicians practising in northern and rural underserved areas.

**The Acting Speaker (Mr Gilles E. Morin):** Pursuant to standing order 95(c)(i), the member for Port Arthur has 10 minutes for his presentation.

**Mrs Marion Boyd (London Centre):** On a point of order, Mr Speaker: This is a very important issue. I think we should have quorum and I don't believe we have one.

**The Acting Speaker:** Would you please check if we have quorum.

**Clerk Assistant (Ms Deborah Deller):** A quorum is not present, Speaker.

*The Acting Speaker ordered the bells rung.*

**Clerk Assistant:** A quorum is now present, Speaker.

**The Acting Speaker:** The member for Port Arthur.

**Mr Gravelle:** As you know, Mr Speaker, I have stood in the Legislature on many occasions and spoken about the need for improved, or at least equal, health care service for the people I represent in Thunder Bay and northwestern Ontario.

The delivery and accessibility of health care is, unquestionably, the number one concern of my constituents, as well as the people across Ontario, and while these concerns involve a wide range of issues from hospital closings, as well as severe acute care bed closures imposed by the restructuring commission, to the growing need for

more long-term-care beds, to the massive job losses suffered by our nursing professionals and the need to move forward with the unique services that can be provided by nurse practitioners — and certainly I cannot fail to mention the dire state of our mental health care system — there is still one area of service that has bedevilled governments of all stripes for many, many years, and that is the chronic shortage of doctors in our northern and rural communities.

Speaker, think about it. What could be more upsetting to an individual and their families than to seek needed medical care from a qualified physician and discover that no physician is there to treat them. That sounds like something that should not be happening in Ontario. Yet, as all members of this House will know, that is a harsh reality in many parts of the province, a reality that is at present being dealt with by designating an extraordinary number of communities in northern and rural Ontario as underserved and providing a variety of incentives to attract doctors to locate and stay in these communities.

But it is very clear that in 1998 the measures that are now in place under this program are not sufficient to meet this crisis and new, innovative ideas, which will require some flexibility by the Ministry of Health, must be considered seriously and then put into place. Let's make no mistake about it. New concepts must be agreed upon by the minister that will make recruitment of doctors more successful in all these communities, but the real measure of success will ultimately be the retention of these physicians; in other words, will they stay?

Until we deal with the retention issue, we will continue in the cycle that we now find ourselves: Too many communities with too few doctors treating too many patients; the doctors, dedicated as they are, becoming burned out by the extraordinary demands and being forced to make the inevitable decision that there are only so many years they can provide their services and, as a result, they move, leaving patients in underserved areas scrambling to find a doctor.

Yet I believe there is hope. It is with that hope in mind that I stand here today seeking all-party support for my private member's resolution, a resolution that calls upon the Minister of Health to fulfil her commitment to provide the necessary incentives to attract needed physicians to northern and rural communities.

To give the government its due, that commitment has been made by the Minister of Health. Late in 1996, an agreement was signed by the Ontario government and the Ontario Medical Association that committed the Ministry of Health to spend \$36.4 million of new moneys to implement alternative payment plans in medically underserved communities through the fiscal years of 1997-98 to 1999-2000. The problem? The fiscal year 1997-98 has come and gone and virtually none of the committed \$36.4 million was spent recruiting physicians to our underserved communities.

I recognize that there is not a simple solution to this long-standing problem; in fact there may be different solutions in different communities. My resolution does not

ask this House to support one model or one method of using these committed funds. However, in the Legislature recently, in response to a question that I asked about the moneys not being spent last year, the Ministry of Health stated that, "The money is there, it's ready to go; we're simply waiting for people to take us up on the offer."

I can tell the House today that at least one proposal has been brought forward that, in many ways, has motivated this resolution today. Last year, in response to the agreement signed by the Ontario government and the Ontario Medical Association, a group of physicians in northwestern Ontario, with the support of the Northwestern Ontario Associated Chambers of Commerce and the Professional Association of Internes and Residents of Ontario, put forward a proposal that they believe, if implemented, could solve the problem of chronic doctor shortages in many of our underserved communities.

Their proposal has several components to it, but the crucial aspect of it deals with the issue of critical mass, the need for a sustainable physician complement in our underserved communities. At the present time the underserved area program designates the number of doctors who are required in each community, but the fact is that these minimum designations frequently do not take into account the reality of providing medical services in many northern and rural communities. The on-call demands alone can be overwhelming as, with too few physicians, one could be working virtually non-stop and finding that's the only way that doctors can meet the patients' needs.

The proposal put forward also calls for globally funded and salaried contracts, not fee for service, so that physicians are all working through a group practice for the community. The fact is that our northern and rural communities require unique solutions to solve the chronic doctor shortages, and this well-thought-out local proposal recognizes and deals with that reality. The fact also is that unless the minister is prepared to look at this proposal seriously, the problem of doctor shortages will persist in many of our communities and continued opportunities will be lost.

As George Macey, vice-president of the Northwestern Ontario Associated Chambers of Commerce put it, and I'll quote him: "This resolution deals head on with the issues faced by doctors practising in northern and rural communities. The government took a positive first step in signing the agreement, yet they are refusing to let northern communities work out precise local service priorities." And that gets to the heart of it. Each community knows its local needs the best. Flexibility must be shown by the minister in order to have these committed and needed funds properly utilized.

1110

In wrapping up, I want to thank the many people and communities that have helped me put together this resolution and offered me their very strong support.

Certainly I want to thank Dr Michael Sylvester, the Marathon physician who is a spokesperson for the northwestern Ontario group putting forward the proposal, and Dr George Macey, Dave Barker and Dick McKenzie,



executive members of the Northwestern Ontario Associated Chambers of Commerce, who are strongly supportive of the proposal, and of course, PAIRO, for their advice and support.

I also want to thank Dr Ian Park, chair of the Ontario Medical Association on Rural Practice, for the invaluable information and insight he provided.

I must give particular thanks to the municipalities that wrote me in support of this resolution, for this is an issue that affects them and the residents of their communities so profoundly. I think it's important to note that this support came from all across the province, with representatives of all three parties looking after these constituents. So thanks to the townships of Terrace Bay and Norwich, the township of Havelock-Belmont-Methuen, the towns of Nickel Centre, Aylmer, Kirkland Lake, New Liskeard, Mount Forest and Sioux Lookout, which supported this resolution strongly themselves but did it also on behalf of the towns of Ignace and Pickle Lake, the municipality of Bayham and the villages of Dundalk and Newbury, and all the others that time does not permit me to mention, but I'm very grateful.

The truth is that we have an opportunity today to do something good, and something good for the residents of northern and rural communities all across this province, and I think we need to seize that opportunity. All the residents of our northern and rural communities deserve high-quality and accessible health care, and access to a physician is clearly a priority. Support for this resolution today by all parties in the House may convince the minister to look at the proposal put forward in northwestern Ontario more seriously and, if she does, we will all be the better for it. For the truth is that this proposal can serve as a model for the province, and it is not stretching the truth to say that the globally funded model could also one day be applied in larger communities, like my home town of Thunder Bay, for clinics and services that focus on group practices.

We need to see the possibilities and to grab the opportunity. I believe that today we can move in that direction by supporting this resolution and providing the people of northern and rural Ontario with the quality health care that they prize, that they need and that they deserve.

I thank you for the time today. I look forward to hearing the rest of the debate and hope that I am able to receive all-party support for this resolution.

**Mrs Boyd:** I want to thank the member for bringing forward this issue in this way today because it is extremely important at this juncture in time for people in Ontario to understand that there are ways we can solve the under-servicing problem. There are many mechanisms that could be used to solve this problem of communities that have a hard time keeping and retaining physicians in their community.

These models are models that have the support, particularly of the young interns and residents complements that have been coming forward over the last few years, but also of the community groups that have struggled to find

ways to break through the fee-for-service system of payment of doctors which has disadvantaged rural and northern communities for a long period of time.

The issue of alternative payment plans for physicians is a very thorny one, and no one should underestimate the effect of the political pressure that governments of every stripe have faced from the established political direction of the OMA. It is quite clear that the resistance to any change to fee for service is a political issue that continues to be fostered by the leadership of the OMA. I think it would naïve of any of us not to see that kind of pressure as being one of the reasons that the government has not moved forward with a specific provision of the agreement that it signed with the OMA, which is now in its second year.

In fact, I would go so far as to say this is one of the few positive aspects of that agreement at all, the provision of \$36.4 million for globally funded group practices for northern and rural areas. There's very little else that serves the community in that OMA agreement. There's a great deal that serves the pocketbooks of physicians. There's little that serves the community as a whole; there's little that serves the other health care professionals; there's little that serves the province as a whole. It is simply a mechanism whereby most of the additional operating dollars that are in the health budget are going directly into the pockets of fee-for-service physicians, and I think we need to be very clear about that.

When the government did agree to a plan that set aside additional dollars to go forward with this, there was great hope that at last the government was going to recognize the need to move forward. When I talk about the resistance of the OMA to alternative payment plans, you only have to read their various publications to understand how deep this goes, and to read the plans and the speeches of Dr Wendy Graham, who led the so-called pilot effort around alternative payment plans.

For one thing, the OMA, although it appears to have dropped its very vehement opposition to existing community health centres, is very clear that it will oppose the establishment of any additional community health centres, even though communities all over this province have made it clear that they favoured the model of community health care centres in some areas. The \$36.4 million and the lack of success in terms of the negotiation which the member has outlined so clearly in terms of the rigidity that the ministry has insisted upon in terms of number of physicians, in terms of the mix of health care professionals, is another area.

I'd like to talk specifically about the issue of the agreement itself and how it in itself mitigates against changes, conversions to an alternative payment plan. I think we all ought to be concerned to realize that very clearly the OMA has taken a position in that agreement that any further conversions to any form of alternative payment plan are not allowed. They are claiming that even the \$36.4 million is a conversion. I can give some backup to that, because in a letter from Minister Witmer dated December 10, 1997, in response to a request from Seeleys

Bay, a small two-doctor community in southeastern Ontario, for community-sponsored contracts, she said:

"The current ministry agreement with the Ontario Medical Association stipulates that the fee-for-service funding amount shall not be reduced by conversions that occur from fee-for-service to alternative payment plans. As a result, the ministry's ability to negotiate and finance new alternative payment arrangements needs to be resolved within our current framework of discussions with the OMA."

In other words, the agreement that this government signed with the OMA gave the OMA the complete whip hand in terms of determining how we were going to provide services to underserved areas, the complete whip hand to prevent conversion to alternative payment plans, which every community that is underserved wants available to them as a mechanism.

1120

The Professional Association of Internes and Residents of Ontario has done us all a great service in this province by going throughout the province, throughout northern Ontario and most recently in southwestern Ontario, talking to communities about what it is they want, what they would support, what they expect the government to do. Their reports are very clear. They had very extensive consultations. Their report that is dated March 1998, *Toward Solutions: Recruiting and Retaining Physicians in Southwestern Ontario*, states very clearly that communities understand they are not served by the fee-for-service mechanism when they are small, when they are rural, when many of the amenities that are there for physicians in large urban areas are not present for them.

Communities are demanding that the government take a much more active role in its so-called negotiations with the OMA to prevent the OMA from stopping them from coming into these alternative payment plans. The difficulty that Mr Gravelle mentioned faced by communities throughout northern Ontario is replicated in southwestern and southeastern Ontario, where the very same problems prevail, although the mileage may be somewhat different.

The real issue here is, are we, as a community, signing agreements with the OMA to benefit doctors or are we signing agreements with the OMA to benefit patients? The answer from the agreement that was signed by this government some time ago was that it was clearly to the benefit of physicians, but there's much less clarity about how it benefits the citizens.

I know that when the parliamentary assistant to the Minister of Health gets up he's going to talk about the wonderful pilot projects that have been set up, and he's going to try and tell us that these are the answer. He needs to explain in his speech why there is no control on those projects to prevent those networks of physicians from creaming out of their patient complement all the difficult and time-consuming patients that they don't wish to service. He also needs to explain in his speech how the government is actually going to evaluate whether or not the service is improved for consumers, not just whether doctors like it, which is what seems to prevail in the

dealings that this current minister and this government have with physicians, but whether the citizens of Ontario are better served by the huge numbers of dollars that we're pouring into health care.

As we debate this resolution, it's extremely important for us to ask why, when the government did include a specific amount of money for globally funded group practices, they have not listened to both the communities and physicians who know how that will work, who know the minimum requirements to make that work and insist on the inflexibility and the absolute roadblock that has been set up by the OMA and by the Ministry of Health.

**Mr Tim Hudak (Niagara South):** I'm pleased to rise to offer my comments on the member for Port Arthur's resolution before the House today, and a couple of other members of my caucus as well. As previous speakers have said, it's not an issue of physician supply in Ontario; it's an issue of distribution. How do we get the physicians to come to the underserved areas, whether it's in the riding of Port Arthur or in Niagara South or in Middlesex, around London, for example?

In terms of a general perspective, some of the recent government announcements of improvements in health care help to make Ontario a better place to attract health care professionals like physicians either to stay in Ontario or to come into Ontario. A couple of examples: the \$1.2 billion invested in long-term care; 20,000 new beds across the province, with thousands of other refurbishments and improvements in long-term-care facilities, relieving some of the pressures in that area and helping to make the province more attractive, a better health care system; \$60 million announced recently for mental health, to improve community-based programs for mental health patients, the multidisciplinary approach and the ACTT programs, for example, again to improve the quality of health care in the community and make it more attractive for health care professionals to practise in the province.

Primary care pilots, as the member for London Centre had mentioned — I appreciated her advice on my comments, but my time is constrained and I'll address Mr Gravelle's resolution. That's a debate we can have another time. But we certainly see primary care reform as a key to helping to attract physicians to the rural, northern and underserved areas and I think we lose track of this. We have seen a 7% increase in physicians in the past five years in the province. Again the issue is, how do you get them to Port Colborne to support the work of Dr Remington and his team there — Fort Erie, the same thing, Marathon or Emo or other parts of the province?

There are three basic principles in the member from Port Arthur's resolution after the preamble: first of all, to offer the proper incentives to attract physicians to rural and northern areas. I believe that the incentives we've put into place in this government will work: the negative incentives, the discounted billing through OHIP for the overserved areas, coupled with positive incentives like the \$36 million, like the community contracts and the group practice issue that we're dealing with today. The payment is about \$10,000 on top of the average fee-for-



service billing in that area. I think the proper incentives are there. I agree that they're necessary, no doubt about it: negative incentives for overserved areas, positive ones for underserved. I believe that in the approach we've taken, those incentives are there.

The member also asks for a change in the ultimate payment program plans for "sustainable physician complement." I would say there's a flexibility in the group practice to allow for a sustainable group complement. In fact, that's what the goal is, I would say, to the package we are offering. In Marathon, which was brought up in the earlier discussions, on a strict population basis, and correct me if I'm wrong, the complement would be three physicians. The group practice allocation complement is five. We are recognizing the unique needs of rural and northern areas. That is a sustainable complement, I would argue, not a minimum. The minimum would be around three or fewer. We are approaching that and the ministry has been flexible in negotiating with communities to ensure that sustainable complement is there.

Third, he talks about the unique responsibilities and workload. Again, I would say that the GFGP does this already. The contract plan is for the average fee-for-service billing for that particular region, not for other parts of the province or the province as a whole but the particular region in which the municipality exists plus about \$10,000. There are additional fees available for additional services provided by the doctors in that community: locum support; some time, obviously, as any person would raising a family; vacation, additional training and such.

I would argue that the principles are on line in terms of proper incentives, in terms of sustainable physician complement and recognizing the unique workloads and responsibilities. I support the principles in the resolution. I would argue that there is not the need to go and renegotiate the contract that was negotiated in late 1996 into 1997. We have the flexibility in our current program to meet those needs. We have seen more communities come on board — Manitouwadge, for example. Three others have recently expressed interest. We're negotiating with Little Current, Englehart and Emo, to name three. Four more, I guess, have entered into the initial stages. I believe that the package we have fits the needs. I support the member's resolution in principle and therefore I'll be voting in favour of the principles in the resolution of the member for Port Arthur.

**Mr Gerard Kennedy (York South):** We are very heartened to hear that the parliamentary assistant in his non-partisan capacity is able to support this resolution. It is important. This is a time that the House has to be able to provide some advice to the government, to be able to tell them where they may be falling down and where they need to improve. Thanks to the member for Port Arthur, we have that opportunity here today.

The \$36.4 million is not the largest expenditure this government hasn't made or could make, but there's a lot more at stake. The fundamentals of this are about, do people who live in rural and northern areas of this province have the right for this government to make every

effort to give them access to physicians? Is that not something we would expect of any reasonable government? In effect, this is the only measure we can look to in terms of being able to provide that effective right to the people of this area. The success of this means that fundamental service is either available or it's not. It means that those of us who live in urban areas can only relate very conceptually to the idea of not having a doctor there to respond when you have all the same fundamental health needs. So the service component is first and foremost.

**1130**

But this goes deeper because this is about this government's promises. This is a government that promised explicitly, clearly in December 1996, as part of the deal with physicians in this province, that it would spend each year \$36 million. It helped some of the people in this province believe that this government was getting the message that quality things had to be done for health care. People in all communities appreciated that some extra effort had to be made to ensure access to physicians in this province, which many people are now calling a crisis. It doesn't just affect what we would traditionally think of as underserved areas, northern and rural areas, but also places like Windsor and Kitchener-Waterloo and Guelph. If the government can't yet determine where it is most conspicuous, what chance do we have that they're going to do it elsewhere?

On the issue of promises, a government that can't be depended on to deliver its most fundamental promises, the ones that relate to people's health and wellbeing, that have all-partisan support, is really a government that brings itself into disrepute and distrust. Today the members of that government have a chance to prove otherwise.

We look also for what this means in the north in general. This is something, in terms of access to doctors, that falls into the same category as some of the slashing that's happened to hospitals. Taking apart some of the ability of hospitals to function has implications for a definition of what a northern and rural community can be in terms of quality of life. It starts to govern whether people, no matter where they live — Geraldton or Marathon or any of the communities — can have access to the very things they need to be able to sustain a community. It's shortsighted of us not to recognize that if we're prepared not to concede that quality of life is something we want to be concerned with. Let's at least recognize that economic development can't happen either unless there's a platform of some basic, fundamental services.

We heard from the parliamentary assistant that everything is fine and that the principles of this resolution are simply reinforcing that. We need to understand that it's somewhat different than that. What needs to happen is some real action and some real adjustment in the thinking on the part of the government. We have here a vision on the part of physicians, the people who live in the north. When we look at the people who have signed — Dr Jackson-Hughes in Nipigon, Dr Hollway and Dr Klassen in Marathon, Dr Larochelle in Manitouwadge, Dr Galea

in Geraldton — we recognize that this is also an issue of, “Will this government listen?”

Will this government listen to local communities when local communities come together with the doctors they’ve been able to attract and say, “You need to do something different; you need to adjust”? Can you adjust? Can you bring into account what local communities have been telling you, have gone to considerable energy and effort to say to you as a government that you need to be able to do this, particularly and conspicuously when it’s something you’ve already agreed to do, when you already promised you would do this on behalf of the citizens and physicians of those communities and for the integrity of the province as a whole? If we can’t provide and can’t commit to provide the best efforts to some equality, some justice in terms of health care, then you can’t be credible anywhere in the province if we don’t do it where the needs are most conspicuous.

I’m very glad today to be able to rise in support of Mike Gravelle, who has been a champion of this issue, as other members have been for their communities. It is extremely important to learn today whether we in our private members capacity can request and receive that amount of understanding and adjustment from this government. The real test will be, after this vote today, will this government act in a very short time?

**Mr Tony Martin (Sault Ste Marie):** I also want to thank the member for Port Arthur for coming forward today and presenting to the government an opportunity that they, I don’t think, have any choice but to act on. We’ve had this problem in northern Ontario and rural Ontario for a long time now. Different governments have come at it from different perspectives and none of us have been successful in finding an answer to the doctor shortage that continues to bewitch all those communities that so desperately need the care of well-trained, committed and dedicated doctors in our communities.

The member bringing the bill forward today talks of a model that has been put together in northwestern Ontario that obviously has a buy-in from the doctors who practise in that area, a goodly number of them, that obviously has a buy-in from the communities which will be served by that particular model that he is fully committed to supporting and trying to be helpful in moving forward.

I want to say to you this morning that there are other models. There has been good work done by other groups of people around this province in an attempt to answer this particular challenge, and it would behoove the government to take a close look at those models and to give the kind of resource and encouragement and support to those groups that will help them put in place or continue to grow those answers that are out there already or that are being developed that will go a way to resolving this very difficult challenge.

In my own community there is the Group Health Centre, a facility that was put together in the early 1960s by the United Steelworkers of America, who recognized that their members weren’t getting the kind of health care they needed, given some of the very difficult health

problems they were facing at work, in the community and at home. So a group of Steelworkers got together with some other professionals in the community and outside the community to put in place a structure and an operation that has grown in spite of some very aggressive and effective opposition in the community and outside the community and they have succeeded today in providing to our community opportunities that we otherwise would not have.

I only have to speak to you about a couple of doctors I have spoken to who operate through the Group Health Centre to help you understand how effective that institution has been in attracting doctors to Sault Ste Marie and keeping them there, so in Sault Ste Marie we at least have some degree of success on this issue. I remember going to a doctor at the Group Health Centre and his telling me how nice it was that when he came to work in the morning he didn’t have to worry about all the administrative details that so many of the doctors do in private practice these days. When he comes to work in the morning, all he has to think about is his patients and delivering the service they require, and when he goes home at night, he doesn’t have to worry about whether the nurse is going to make it the next day or whether the office administrator is having a problem at home and won’t be able to come in for the shift. He just has to come in and provide service.

Another doctor said he was attracted to Sault Ste Marie as a young doctor because the Group Health Centre was there, because he could walk into a practice that was already established and set up. He wouldn’t have to go through the long-drawn-out process of setting up a practice in the larger areas where it often takes years to get something as simple as hospital privileges.

The Group Health Centre in Sault Ste Marie stands out as a beacon in many ways and is something that the Ministry of Health should be willing to look at as it tries desperately to find an answer to this very difficult and challenging question. I suggest that this government needs to be a bit more courageous, a bit more willing to step out and give leadership and take some risks, because if you’re not courageous and you’re not willing to take risks on behalf of the people in northern Ontario and rural Ontario who are counting on you to help provide the kind of service they need by way of health care, then it’s not going to happen. The Group Health Centre is an excellent example of that.

1140

**Mrs Julia Munro (Durham-York):** I rise in support today, in principle, of Michael Gravelle’s private member’s resolution asking the government to continue building on its commitment to address the long-standing problems of physician distribution to underserved areas in northern and rural Ontario.

While Ontario is considered to have an adequate supply of physicians overall, there is a persistent problem with physician distribution, and numerous communities in the province have long-standing difficulties in recruiting and retaining physicians. The government is working with



stakeholder groups such as the Ontario Medical Association, the Professional Association of Internes and Residents of Ontario and the Council of Ontario Faculties of Medicine to find solutions to this ever-growing concern.

The underserved area program has been helpful in addressing the problem faced by this communities by initiating financial incentives, locums, visiting clinics and exemptions to billing thresholds, but there still seems to be a reluctance on the part of physicians to relocate in an underserved area such as Mount Albert, a village located within the town of East Gwillimbury in my riding of Durham-York. Their need for a physician is based on a growing number of seniors, as well as young families, making their home in this village. Public transportation is not readily available, and residents find it difficult or impossible to travel to Newmarket or Toronto.

The Sunderland-Brock Community Health Centre in Brock township, located in my riding of Durham-York, has also applied to be designated as an underserved area. As of today, this community has raised over \$80,000 towards the expansion of their medical facility. They hope the expansion of their medical facility, coupled with an underserved area designation, will be the winning formula which will encourage doctors to relocate to their area.

International studies suggested that when medical training is provided in rural and remote areas, physicians who have received their training are more inclined to set up practices there. Medical schools not oriented to rural medicine tend to create a negative attitude about rural practice. Our government took this advice and set up the northern Ontario health sciences network. There was a reallocation of training resources from existing programs in southern health science centres to northern Ontario. Its focus is on the unique challenges of northern practice, where family physicians and specialists must be more self-reliant, because specialists and sub-specialists are less available in the north.

There is \$36.4 million available to deal with the issue of underfunding and the shortage of doctors. The minister has stated in the Legislature that the money is there and it's ready to go. We are simply waiting for people to take us up on this offer. Our priority is to serve patients first. We have been working hard to accommodate doctors' demands for alternative payment arrangements where they are needed.

The rural and northern health care framework, while focusing on the development of hospital and health care networks, is also committed to expanding rural and northern training opportunities for medical undergraduate students and residents, and to facilitate additional training opportunities for nurses working in rural and northern hospitals. This government is looking at a variety of different options to encourage doctors to practise in underserved areas. This is in addition to the significant steps we have already taken to help attract doctors to rural and northern communities.

My caucus colleague Helen Johns, MPP for Huron, has introduced a private member's resolution which would

have the effect of reducing tuition fees for physicians and doctors going into remote areas. The government has committed to reviewing this suggestion as part of our solution. We recognize that there are other factors that have a significant impact on a physician's decision to relocate to remote or rural areas, such as proximity to family and friends and availability of employment for spouses. Our government has taken more steps than any other government in an attempt to address this issue. We are confident that the incentives put in place by this government will help improve Ontarians' access to medical services.

**Mrs Lyn McLeod (Fort William):** I'm happy to rise and participate in this debate on an important resolution from my colleague from Port Arthur, a resolution that calls on the Minister of Health to provide the positive incentives that are necessary to get needed physicians to northern and rural communities. I can't stress how essential it is that action be taken. I can't stress enough to members opposite that we face very real situations in our northern communities where access to basic needed health care is seriously threatened by the critical lack of physicians. This is not some potential future danger; this is the reality today.

In my home community of Thunder Bay we are at this point short 28 family doctors. What this means is that people who have come to our community have been there two years, three years and have no hope of being able to get a family doctor. What this means is that there is an overuse of our emergency rooms because there is no place else for people to go. They can't call their family doctor. They don't have a family doctor and they have little hope of having one. It certainly means that there is little ability of the physician to remain to see patients on a regular enough basis that there could be an emphasis on health maintenance and illness prevention.

There are as well shortages in many critical areas, and today I particularly want to stress the shortage we face in psychiatric services in northwestern Ontario, another critically underserved area.

In southern Ontario you have one psychiatrist to 1,500 people. In northwestern Ontario we have one psychiatrist to 33,000 people. The caseload in southern Ontario would be about 1,200 patients for the average psychiatrist. In northwestern Ontario many psychiatrists have caseloads over 5,000. We are so short of psychiatrists that our psychiatrists have reached the point of saying, "We simply cannot see the patients," and patients in need of immediate care are being turned away. We may have to close psychiatric beds. We may face the prospect of having to send acute psychiatric patients to southern Ontario.

One of the reasons we face this acute crisis in psychiatry is because of the uncertainty in health care planning, and that is related to the underserved area issue. With our psychiatric hospital to close, with no mental health care agency established to do the planning to provide the community services that are supposed to be in place before any loss of beds, there is tremendous uncertainty about whether we will have psychiatric services, whether

we will have enough beds to provide psychiatric care. In that climate of uncertainty, it is very difficult to recruit psychiatrists to fill the void that's left when our psychiatrists are either retiring or indeed leaving the community because the stress of the workload has simply become too great.

But beyond the need for clear planning and action to address the future in psychiatric care, I come back to the fact that we need to have creative ways to meet the needs in all underserved areas, and that's the focus of my colleague's resolution. His focus is on the fact that \$36.4 million that was set aside by the government last year for the Ministry of Health was not spent, despite the fact that the need is acute now and has been acute for many years, despite the fact that models for the creative alternative approach to providing health care in northern communities have been presented. They've been on the minister's desk for months, if not years.

My colleague has specifically talked about the model put forward by the Northeastern Ontario Association of Chambers of Commerce and by PAIRO, the residents and interns association, which have done tremendous work to put forward creative alternatives for ensuring that underserved areas not only can recruit physicians but can retain physicians.

Two quick facts: It's important to recognize that rostering, which seems to be the government panacea, does not work in underserved communities. Rostering is for overserved communities in the hope that doctors will leave the overserved communities and come to areas in northern and rural Ontario. The second fact is that we need long-term solutions. We need a comprehensive approach to dealing with underserved area needs.

A four-year incentive program, although it has been a valuable stopgap, isn't enough to keep people in our communities. We need ongoing professional development. We need locums who will come in and give physicians in small communities some respite so they can take a vacation. We need to expand our training programs so that people who come and train in northern Ontario or in rural communities will stay in those communities. We need accurate information, accurate data, on what the needs really are. We can't assume that minimum numbers of physicians are going to be enough to meet the health care needs.

The bottom line is that we need to ensure that every Ontarian, wherever they live in this province, has access to health care services when and where they need them.

**Mr Bert Johnson (Perth):** It's my pleasure to rise in the House today to join in the debate on the resolution tabled by the member for Port Arthur. Although I do not necessarily agree with everything the member brings up in his resolution, I do appreciate and support his concern for the provision of quality health care in Ontario.

As the representative for the riding of Perth, I spent a great deal of time over the last three years trying to improve the health services available to my constituents. All too often in the past governments have avoided the issues surrounding health care in small communities in

Ontario, and it is the small communities in Ontario that have suffered.

When asked how they would describe the best place in North America to live, my constituents respond by naming their hometowns: Stratford, Listowel, St Marys, Milverton and Mitchell. They see what I see and they know that is why I am proud, honoured and humbled to represent them.

#### 1150

The people of county Perth also see the need for efficient and effective health care services that are available when they need them. They know that I will fight for those needs and they know that is why I support the government's initiatives, such as (1) the \$70 an hour sessional fee for physicians working nights, weekends and holidays in emergency departments in rural communities; (2) the community development officer program which matches communities recruiting physicians with physicians looking to establish a practice in rural communities; (3) the development of rural medical training through the rural Ontario medical program in Collingwood and the southwestern rural Ontario rural medical program based in Goderich; (4) the expansion of rural and northern training opportunities for medical undergraduate students, as well as additional training opportunities for nurses working in rural and northern hospitals, which is offered through the government's rural and northern health care framework.

The health care needs of people in rural areas of the province are not the same as the needs in the more urban areas. The initiatives introduced by this government, which I have just mentioned, are the first steps towards addressing the difficulties faced in underserved rural communities.

A more profound recognition of rural health needs is reflected in the new health care policies adopted by the hospitals in Huron and Perth. I'd like to congratulate the members of the Huron-Perth District Health Council, the task force and the many men and women in the health care field in Perth. They have begun implementing a plan to provide for more efficient and effective health care services in county Perth. Hospitals in my area have implemented a proposal to restructure that will see a reduction in administration and an increase in service provision.

The Huron-Perth plan calls for a single board of directors for all eight hospitals and for sharing of administrative staff and resources, such as food and laundry services. Once again, the people of Perth are setting a benchmark for others in the province to rise to, and I congratulate them.

The policies of this government have presented an opportunity for doctors to come to the rural areas and see what is offered. I may be a little biased, but I maintain that anyone who takes the time to come and live and experience the riding of Perth would never willingly leave. The people of Perth county work hard and they deserve the best.

Rural and northern Ontario have different needs in health care provision and this government is recognizing that. I'm happy to see that the member for Port Arthur recognizes that as well, and that he is supportive of this



government's initiatives to provide positive incentive to physicians to practise in rural and remote areas of the province.

In response to the resolution presented by the member for Port Arthur, I agree wholeheartedly that the Minister of Health should continue to provide positive incentives necessary to attract needed physicians to rural communities. In addition, we must all, not just the minister, recognize the special and unique workload and responsibilities for physicians practising in rural underserved areas.

**Mr Sean G. Conway (Renfrew North):** I'm delighted to be here on this Thursday morning to support the very timely resolution of my colleague the member for Port Arthur. I've enjoyed that part of the debate that I've been able to hear.

As a member from rural eastern Ontario, this is a subject I have dealt with almost all of my time here, and I want to say that it's not just an issue, as my friend from Port Arthur knows, for communities like Red Rock and Nipigon, but a vitally important issue in communities like Barry's Bay, Deep River, Bancroft and Whitney, to name four in my part of eastern and midnorthern Ontario.

The aspect of the resolution that I would like to focus upon is the question of critical mass. Governments of all stripes over my 23 years have, with the best of intentions, developed and amended the so-called underserved area program, and I say "with the best of intentions" because quite frankly the intentions have often been better than the results.

The major issue I see as a difficulty in producing the results we have wanted is that we have under our underserved program in too many cases ended up with a sole practitioner in a small town like Whitney, for example, in the district of Nipissing that I represent. The reality is that a sole practitioner in the small, rural and northern communities is, after a relatively short period of time, just pounded into the ground. None of us, notwithstanding our best intentions, is going to be able to survive the kind of rigour and daily pressure that is applied. That has led to very undesirable consequences. We've had a revolving door. People come, they work very hard, and the burnout rate is very high. So the door just keeps spinning.

What I like about the resolution today is this notion of critical mass. For that to work, it's going to mean that communities are going to have to say, "Rather than each one of us having a sole practitioner, a lone ranger running like mad trying to keep up with the pressures of daily practice, we are going to have to all sit down and say, 'Maybe it's a better thing to develop a critical mass of a number of practitioners clustered in a given community and from that critical mass have outreach programs into smaller communities.'"

I say to the member for Port Arthur, I commend you for the resolution. I particularly find attractive the argument that new policy has got to deal with the critical mass issue. Lone rangers cannot survive practising modern medicine in these small towns. I have too many examples of very

good people who left town battered and beleaguered because they simply couldn't keep up with the professional pressures, and their spouses and their families, as I think the member for Perth and someone else observed, also couldn't cope with the pressures. There's just simply no getting relief; there's no getting away from the daily grind and the pressures that are out there.

I find it interesting that an agreement signed nearly two years ago that allocated over several years millions of dollars to stimulate interest in creative new alternative payment schemes has not been taken up in any meaningful way. I congratulate the government and the OMA for making the deal providing the \$35 million or \$36 million — but nothing yet spent? We've got a proposal up in northwestern Ontario waiting for attention, waiting for support; still no response.

Again, intentions are one thing, but results are another. There are a lot of people whom I represent and my colleagues from rural and northern constituencies represent who are hopeful that we are going to be able to translate good intentions into good results.

The member for Port Arthur is very timely in his resolution and its focus. I repeat: A critical aspect of achieving a better success is dealing with this critical-mass issue. We have not done a very good job in the past, and the member for Port Arthur points to a better and more positive possibility.

**The Acting Speaker:** Member for Port Arthur, two minutes.

**Mr Gravelle:** I want to thank all those who spoke this morning: the members for London Centre, Niagara South, Sault Ste Marie, York South, Fort William, Durham-York, Perth, and of course the member for Renfrew North. I appreciate that they all spoke in essence in support of this resolution.

The member for Fort William talked about the primary health care reform pilot projects that are out there. I think the key point that needs to be made is that indeed the rostering system cannot work unless you have enough doctors there to actually do the rostering. Obviously the intent of this resolution is to ask this government to show the flexibility that's needed to make sure these agreements can be brought forward.

The proposal by the northwestern Ontario physicians is one that can work, but it requires the government to acknowledge that, yes, they've signed the agreement. We acknowledge that and we congratulate them for doing that, but they need to show flexibility and recognize that it's the local communities themselves that will recognize the needs.

I'm also grateful to the member for Renfrew North for talking about the whole essence of critical mass, because that is a very, very important point and it's one that is brought forward very clearly in that proposal.

I'm hoping we can receive all-party support today. There are certainly many other issues of concern that I alluded to ever so briefly in my remarks earlier. I don't want to divert from the main essence of my resolution, but I do want to also make mention of the fact that of course

the mental health care crisis in Thunder Bay and northwestern Ontario is one that we have great concerns about. I did ask the minister yesterday if she would bring forward information as to how the moneys she has announced will be spent and what amount will be spent in Thunder Bay and northwestern Ontario and asked her to deal with the issue of the closure of Lakehead Psychiatric Hospital. I hope that she is able to follow through and provide us with that information today.

In terms of my resolution, I am grateful for the support. I hope it is forthcoming from all members. I believe this is something that could really make a difference to the people who need health care desperately in northwestern Ontario and all across the province.

**The Acting Speaker:** The time provided for private members' business has expired.

### SAFE SCHOOLS ACT, 1998 LOI DE 1998 SUR LA SÉCURITÉ DANS LES ÉCOLES

**The Acting Speaker (Mr Gilles E. Morin):** We will deal first with ballot item number 15 standing in the name of Mr Newman.

Mr Newman has moved second reading of Bill 21, An Act to promote Safety in Ontario Schools and create positive Learning Environments for Ontario Students by making amendments to the Education Act.

Is it the pleasure of the House that the motion carry?

All those in favour, say "aye."

All those opposed, say "nay."

In my opinion, the ayes have it.

### PHYSICIAN SHORTAGE

**The Acting Speaker (Mr Gilles E. Morin):** We will now deal with ballot item number 16 standing in the name of the member for Port Arthur.

Is it the pleasure of the House that the motion carry? Carried.

Call in the members. This will be a five-minute bell.

*The division bells rang from 1202 to 1207.*

### SAFE SCHOOLS ACT, 1998 LOI DE 1998 SUR LA SÉCURITÉ DANS LES ÉCOLES

**The Acting Speaker (Mr Gilles E. Morin):** We're now voting on second reading of Bill 21 presented by Mr Newman.

All those in favour of the bill will please rise.

#### Ayes

Amott, Ted  
Baird, John R.  
Boushy, Dave  
Bradley, James J.  
Chudleigh, Ted  
Danford, Harry

Johnson, Bert  
Jordan, W. Leo  
Kells, Morley  
Klees, Frank  
Lalonde, Jean-Marc  
Leach, Al

Parker, John L.  
Pettit, Trevor  
Phillips, Gerry  
Rollins, E.J. Douglas  
Ross, Lillian  
Shea, Derwyn

DeFaria, Carl  
Ford, Douglas B.  
Fox, Gary  
Grimmett, Bill  
Hastings, John  
Hudak, Tim

Leadston, Gary L.  
Maves, Bart  
Munro, Julia  
Newman, Dan  
O'Toole, John  
Ouellette, Jerry J.

Sheehan, Frank  
Skarica, Toni  
Smith, Bruce  
Spina, Joseph  
Wood, Bob  
Young, Terence H.

**The Acting Speaker:** All those opposed will please rise.

#### Nays

Agostino, Dominic  
Boyd, Marion  
Caplan, David

Cullen, Alex  
Lessard, Wayne  
Martin, Tony

McLeod, Lyn

**Clerk of the House (Mr Claude L. DesRosiers):** The ayes are 36; the nays are 7.

**The Acting Speaker:** I declare the motion carried.

This bill will now be referred to the committee of the whole.

**Mr Dan Newman (Scarborough Centre):** I'd request that Bill 21 be referred to the standing committee on general government.

**The Acting Speaker:** All those in favour, please rise. We have a majority. Therefore, the bill will be referred to general government.

All matters related to private members' business having been completed, I will now leave the chair and the House will resume at 1:30 of the clock.

*The House recessed from 1209 to 1330.*

## MEMBERS' STATEMENTS

### PHILIPPINES INDEPENDENCE DAY

**Mr Tony Ruprecht (Parkdale):** On behalf of our Liberal caucus I rise for the purpose of recognizing a special event that occurred 100 years ago, on June 12, 1898, the establishment of a free, independent and democratic republic of the Philippines.

Philippines Independence Day is not only an important date in history, but it has great significance to our Canadian citizens of Filipino heritage.

In recognition of the important contributions that Canadians of Filipino heritage have made to the economic and cultural enrichment of our province and country, the blue, red and white flag of the independent Philippines will be raised in Toronto tomorrow on June 12, 1998. These Philippines colours have become an international symbol of the indomitable spirit of democracy and serve as an inspiration to us all to strengthen the bonds of friendship, to strengthen us all and to respect as we have the affection in mind of Filipino Canadians.

Today, we encourage all Canadians to observe this anniversary because it fosters within us a deeper appreciation of freedom, liberty and democratic ideals.

In the Speaker's gallery we have a number of Filipinos who are helping us today to celebrate: the consul general, Mr Santos, Mr Ricky Castellvi and Mr Rick Falco, who is from the Catholic school board.



### CONTROL OF SMOKING

**Mrs Marion Boyd (London Centre):** I have in my hand a copy of a letter dated April 20, 1995, sent by one Michael D. Harris, the leader of the Conservative Party, to the Ontario Campaign for Action on Tobacco, in which extensive promises are made by the then leader of the third party about what this government would do when it was in office. Of course, this government is great at saying, "A promise made, a promise kept," but they certainly haven't kept their promises with respect to tobacco control, and the Ontario Campaign for Action on Tobacco wants that noted.

I mentioned the other night in the debate on Bill 25 the refusal of the cabinet to accept the harmonization of tobacco replacement technologies on over-the-counter drugs. But this is an example of the kind of promise that the government doesn't like to even think about.

In this area the Premier was asked, "In common shopping malls, would the government designate the following facilities as smoke-free?" He said, "A Harris government will continue to work with shopping malls toward a goal of 100% smoke-free by 1998." Where is the legislation?

"A Harris government believes that any place used as a recreational facility, particularly by young people, should be smoke-free," and it goes on.

### MUDCAT FESTIVAL

**Mr Peter L. Preston (Brant-Haldimand):** On a positive note, I am pleased to stand today to announce the 24th anniversary of the Mudcat Festival in Dunnville. This festival celebrates the friendship of the people in Dunnville, it celebrates the Grand River and it celebrates agriculture, which is at the base of all of Ontario.

In the parade on June 13 the honorary parade marshal is going to be Ms Becky Kellar, women's hockey silver medalist from Nagano, and it is going to be a grand event. There are all kinds of craft sales. The Salvation Army is going to be there with a number of services. There are car competitions. There is something for everybody.

Come out, enjoy the Grand River, enjoy the people of Dunnville and enjoy a good spring festival.

### HOSPITAL RESTRUCTURING

**Mr John Gerretsen (Kingston and The Islands):** I am here to tell you today that this government is once again ignoring the advice of local people and forging ahead with its own agenda. In Kingston, our district health council undertook a review of the health services in Kingston. The DHC presented a vision for us, locally made, called Charting the Course.

What happened next? Mike Harris sent in his front men, sometimes known as the Health Services Restructuring Commission. They ignored the advice of the local people, who know the needs of their area best, and among others have closed the Hotel Dieu Hospital. After giving

compassionate and excellent health care to thousands of patients for over 153 years, the Sisters of the Religious Hospitaliers of St Joseph were told they were no longer capable of running and providing governance to a hospital.

Mike Harris's commission recommended closing a downtown hospital which is accessible to all, including the elderly and individuals with special needs who live in the downtown area of Kingston. This hospital also plays an important role in keeping our downtown vibrant and economically prosperous.

The Harris commission can't even get its numbers right. They have been totally underestimating the cost of their plan. Professionals have said that the commission underestimated the restructuring plan by at least \$76 million.

I'm here to tell you that the people of Kingston and area, which includes the 60,000 individuals who signed a petition, want the Hotel Dieu to remain open. We have a homemade solution. We don't need Mike Harris to come in and tell us that the sisters are no longer capable of running a hospital.

### NORTHERN TREATMENT CENTRE

**Mr Tony Martin (Sault Ste Marie):** I want to take a short moment this afternoon to expand on the question I asked the Solicitor General and Minister of Correctional Services yesterday afternoon on the Northern Treatment Centre and the potential closure of that facility.

He may not know that this is the only centre of its sort in all of northern Ontario, which accepts inmates from across the province. It's a centre that deals with areas of anger management, drug and alcohol rehab and inmates with difficulties of a sexual nature. It also has a very clear first nations or native Canadian focus that is unique in the province.

The history of its placement in Sault Ste Marie has not been an easy one. Sault Ste Marie and the mayor of the day, Joe Fratesi, actually went out on a limb to take that facility into our community at a time when other communities, particularly Sudbury, did not want it. It has become a success story of many dimensions. The excellent staff and professionals who work there contribute not only to the success of that facility but also to a need that is very real in the community of Sault Ste Marie, and the volunteer program that has developed around that facility is of a very first-class and excellent nature as well.

Yesterday it was pretty obvious by his answer that the minister wasn't aware of this facility. I would today like to invite him to come up and take a tour of the Northern Treatment Centre at his earliest convenience.

### ROHYPNOL

**Mrs Lillian Ross (Hamilton West):** Today I rise to speak on an issue which is quickly becoming a major problem for young people right across the province. I'm speaking about the drug Rohypnol, better known as "roofies" or the date rape drug. When slipped into some-

one's drink, this drug can render a person in a near-comatose state, leaving them vulnerable to sexual assault.

The increase in the number of cases involving this drug is alarming. In Hamilton alone, there have been 11 cases reported in the past eight months. I say "reported," because countless victims do not report the crime to police.

As a mother of two daughters, both in their 20s, I am extremely concerned about the serious danger this drug represents to the young people of today. That is why I'm pleased to announce that on Friday, June 19, radio station 102.9 is sponsoring an event, Groove Night at the Olympia, to benefit the Hamilton Sexual Assault Centre's rape drug awareness campaign. I am proud to be honorary co-chair of this campaign.

The Hamilton Sexual Assault Centre will use the proceeds from this event to educate and make aware the potential victims of this horrible drug. I strongly support their efforts, and want the Legislature to know about this.

### PAY EQUITY

**Mr Mario Sergio (Yorkview):** I rise to bring to the attention of this House today an issue on behalf of the employees of Yorkview Lifecare Centre, situated in my constituency.

Yorkview Lifecare is a nursing home and as such is a predominantly female workplace. Despite these workers having repeatedly asking the government for information regarding their pay equity increases, to date they have been totally ignored. It seems as though pay equity for Ontario women is at the bottom of the list of priorities for the Harris government.

As part of Seniors' Month, this week is designated as Caregivers Week so that we may have a greater appreciation of those who assist our seniors with activities of daily living or specific health problems.

There are 28,000 employees in Ontario nursing homes. Our seniors rely on the high level of care they receive from these workers, who are committed to providing the best service possible.

Now is the time for this government to quit stalling. The courts ordered you to reinstate pay equity for these employees more than eight months ago. The Minister of Finance committed \$140 million for retroactive pay equity settlements. What's the problem, Premier? I remind you that the Supreme Court of Canada ruled that this government's actions on the elimination of the proxy method of achieving pay equity violated the Charter of Rights and Freedoms. Live up to your obligation under the court order and pay these women.

1340

### BOROUGH OF EAST YORK

**Ms Frances Lankin (Beaches-Woodbine):** Today I will be introducing a private member's bill, or perhaps I should say I will once again be introducing a private member's bill, because this is actually the third private

member's bill I have introduced dealing with the issue of achieving a third councillor for the area of East York.

This private member's bill will correct a couple of technical concerns that the Ministry of Municipal Affairs had with the previous bill I submitted. In fact, that means that the Minister of Municipal Affairs will have given his blessing to this bill. That's very exciting for the people of East York. This Legislature will therefore in the next two weeks be dealing with this private member's bill when the government calls it forward and it will receive second and third readings, and we will achieve the goal of the people of East York for equitable representation.

I suppose I am nothing if not persistent, and my persistence in this case has paid off and there has been a very cooperative attitude from the minister and his staff. I want to thank Minister Leach and Jeff Bangs, his executive assistant; legal staff within the ministry, Scott Gray, who worked very quickly to turn this around and give us an opinion on this; and of course legislative counsel, Cornelia Schuh, who has been working with draft after draft for me, getting this bill correct. It is the way the House should work, with this kind of cooperation. I am appreciative and I know the people of East York are appreciative.

### SENIORS' MONTH

**Mr Derwyn Shea (High Park-Swansea):** June is Seniors' Month and, in recognition, tomorrow afternoon I will be hosting my 15th annual Salute to Seniors Day in my riding at the Grenadier retirement residence located at 2100 Bloor Street West. We have a full program planned, including entertainment, fashion show, food and refreshments and a nutritional workshop, all geared towards the theme of looking good and feeling good.

This government has taken a vigorous look at how we deliver services to seniors. This is especially clear in yesterday's announcement by the Minister of Health and the minister for seniors made at Copernicus Lodge in my riding of High Park-Swansea of the latest instalment of the \$1.2-billion long-term-care initiative that will see care delivered to seniors in their own community. I can appreciate these programs, since I have a 98-year-old mother, Kathleen Shea, who still lives in her own home in my riding —

*Applause.*

**Mr Shea:** Thank you, on her behalf — and, I might point out, still finds a way to keep me on the straight and narrow from time to time.

Seniors are a growing part of our population and this government is taking steps to meet their needs. I am keenly aware of the fact that High Park-Swansea is blessed with a higher-than-average population of seniors, who make great contributions to the fabric of a community. They are a tremendous source for volunteers and community leaders. They have much to teach us, for these are the people who built our roads, taught in our schools, fought for our country, and who have known and



understood hard times that are practically beyond our imagination.

Seniors are real treasures of Ontario. These are the people I will recognize tomorrow, and I hope all members will join me in celebrating their contributions during Seniors' Month.

#### VISITORS

**The Speaker (Hon Chris Stockwell):** I have a couple of quick introductions.

I want to introduce two students from the riding of Prescott and Russell who won a competition to come to Queen's Park today. Marie-France Laflèche and Mathieu Bertrand, welcome.

**Interjection:** That was first prize?

**The Speaker:** The second prize was two weeks in Toronto.

There's also a friend of mine, actually, in the government's gallery, the member for Etobicoke-Lakeshore in the 32nd Parliament, Mr Al Kolyn. Welcome.

#### JANE LEITCH

**Mr John Hastings (Etobicoke-Rexdale):** Mr Speaker, I'd like to request unanimous consent to make a statement regarding a senior who participated in long-term care in the Speaker's riding.

**The Speaker (Hon Chris Stockwell):** Unanimous consent for a statement for a senior who resided in my riding and who has died recently. Agreed? Agreed.

**Mr Hastings:** I would like to make a brief statement regarding the recent passage of Jane Leitch. Jane Leitch gave Ontario and its seniors many years of dedicated and outstanding leadership in addressing seniors' issues.

She was president of the United Senior Citizens of Ontario for three years, from 1990 to 1993. She was also a founder and became chairperson of the Senior Citizens' Consumer Alliance for Long-Term Care Reform, established in 1991. She was one of the founding members of the Good Neighbours seniors' outreach program, promoting independence and safety and the development of an informal neighbourhood mutual support network for the vulnerable.

As well, Mrs Leitch received a Senior Achievement Award from Lieutenant Governor Hal Jackman for her dedication to seniors and was the author of many books, including *Roots and Shoots*, a history of the United Senior Citizens of Ontario, an organization dedicated to the safety and wellbeing of seniors.

**Mr Bruce Crozier (Essex South):** I join the member in the condolences being put forward on the passing of this great senior. This is Seniors' Month in Ontario; in fact this is Caregivers Week. At the beginning of this month we recognized, and I hope continue to recognize throughout this month and throughout the year, both those seniors who have contributed to the quality of life in the province, as this senior has, and those who continue to work on behalf of seniors in this great province of ours.

Seniors are a wealth, the same as our youth are a wealth, to this province of Ontario. We recognize them and also those who go that extra step in working towards making us recognize the contributions that seniors have made to the province and continue to make.

**Mrs Marion Boyd (London Centre):** I too want to add our very sincere condolences to the family and all the colleagues of Jane Leitch and to say how much we will miss the kind of contribution she made to all our communities.

When our government was going through the long-term-care reform, Jane Leitch was one of the most important activists involved in the public consultations, involved in working with all of the various groups. Although she indeed was primarily associated with the United Senior Citizens, she worked with all groups of seniors and worked well with the disabled groups, who sometimes thought they might have different interests. But when Jane talked to them about their concerns, she was able to bring those together, and we were very grateful for that.

We know she will be deeply missed. In fact, the Friday before she died I was doing a cable show with two representatives of the United Senior Citizens in preparation for Seniors' Month, and they were asking me if I knew how Jane was, knowing that she was ill and in hospital. We were all shocked to hear the next day that she had passed away.

We're very fortunate that we have so many active and dedicated seniors acting on their own behalf and on behalf of their friends, their relatives and their community. When we honour Jane, we honour that kind of service.

I want to express to her husband, to her sons, Hal and David, and to the rest of her family the very sincere condolences of the New Democratic Party and tell them that Jane will always stand in our minds as one of the great citizens of the province of Ontario.

1350

#### INTRODUCTION OF BILLS

##### CITY OF TORONTO

##### AMENDMENT ACT, 1998

##### LOI DE 1998 MODIFIANT LA LOI SUR LA CITÉ DE TORONTO

Ms Lankin moved first reading of the following bill:

Bill 41, An Act to amend the City of Toronto Act, 1997 / Projet de loi 41, Loi modifiant la Loi de 1997 sur la cité de Toronto.

**The Speaker (Hon Chris Stockwell):** Is it the pleasure of the House that the motion carry? Carried.

**Ms Frances Lankin (Beaches-Woodbine):** As I alluded to in my statement earlier, this act, in amending the City of Toronto Act, will provide for a third councillor for the ward of East York. This bill is being reintroduced. The Minister of Municipal Affairs had a couple of

technical concerns which we have now addressed, and I am proud that with his support this will become law.

## STATEMENTS BY THE MINISTRY AND RESPONSES

### VICTIMS OF CRIME

**Hon Jim Flaherty (Minister of Labour, Solicitor General and Minister of Correctional Services):** For years, victims of crime have not had a voice in the justice system of Ontario. But through the efforts of a few dedicated organizations, the voices of victims are now being heard loud and clear. Today I would like to recognize the victims and the organizations that work on their behalf, some of whom have joined us in the gallery today.

Victims of crime are a priority for this government. I am proud that over the last year the Ministry of the Solicitor General and Correctional Services has been able to assist victims in more locations across the province than ever before.

In continuing our commitment to expand services for victims, we have added eight new victim crisis assistance and referral services, VCARS. They serve the regions of Durham, including my riding of Durham Centre, Ottawa-Carleton, Manitoulin-North Shore, Muskoka, Niagara, Nipissing, Owen Sound and Wellington.

There are now 20 VCARS sites across the province; 16 have been launched since this government came into office.

VCARS operates 24 hours a day, seven days a week, to provide onsite assistance and emotional support to victims of crime. Police officers call on trained VCARS volunteers to provide immediate assistance to victims and make referrals to community services for ongoing support. This partnership between the police and VCARS helps ensure that the needs of victims are met.

We also launched a joint public-private sector partnership with Ericsson Communications and Rogers Cantel called SupportLink. This initiative provides emergency cellular phone support for over 300 victims of domestic violence, sexual assault and stalking. Piloted in Ottawa and Barrie, it will put wireless phones, pre-programmed to call 911, in the hands of victims whose personal safety is at risk. If victims should be facing a dangerous situation, they can get emergency police service at the push of a button. SupportLink will offer victims of violent crime more freedom and mobility to leave their homes, allowing them to resume more normal lives.

As you can see, we're fighting for victims' rights on several fronts. We have also introduced changes at the Ontario Board of Parole to ensure that public safety is the overriding priority in all release decisions.

The voices of victims are being heard at the parole board. Through public forums and other outreach activities, victims have been encouraged to provide the board

with written or oral victim impact statements. These statements are an essential part of any release decision.

Victims of crime are a priority for this government. We made that commitment and we have kept it. But we know there is more to be done. Working with victims' organizations such as those represented in the gallery today, we will continue to seek new ways to provide better services for those who have been victimized by crime.

**Hon Dianne Cunningham (Minister of Inter-governmental Affairs, minister responsible for women's issues):** Today, June 11, we gather in this House in honour of victims of crime in Ontario, and we speak in honour of the families of victims who are left to mourn, to grieve, and for the many who display such courage as they work to end violence in our society.

Two years ago on this day we established the Victims' Bill of Rights. Our goal was to enshrine the rights of victims and their families. It is also our goal to ensure that the bill goes far beyond mere words, that victims' rights are always recognized and respected throughout our justice system.

I am deeply touched by the attendance of the many individuals who are in the House today. You have suffered in ways many of us cannot imagine and endured the tragic loss of family members. Your determination and valour are beacons of courage to us all.

The Ontario women's directorate coordinates the government's violence against women prevention programs, involving more than 30 programs and nine ministries. Almost a year ago we launched the four-year Agenda for Action strategy, Ontario's very first province-wide framework towards ending violence against women and their children, encouraging our ministries to work very hard together.

Through the Agenda for Action strategy, Ontario women and their children who are victims of domestic and sexual assault have more choices and have more supports available to them. We have increased services for children who witness violence in their homes; we have stabilized funding to Ontario's 34 rape crisis/sexual assault centres; we have maintained funding for emergency shelters; we have ensured that women with disabilities can readily access crisis services; and that francophone women can receive crisis services in their own language.

We have worked with our community-based, private sector and government partners to ensure that women and their children can get the help that they really need and that they really want. We have increased the number of nurses trained to administer the sexual assault evidence kit so that women can receive competent, compassionate care quickly, including counselling.

With the opening of six new domestic violence courts this past year, we now have a total of eight of these special courts in our province. They provide victims of domestic violence with solid support during the judicial process, and they work very hard to get results by ensuring that the perpetrators are dealt with appropriately. I underline "very hard"; we're not always successful, but we recognize this real need.



Police, crown attorneys, and victim/witness staff are to be congratulated. They're specially trained and they're dedicated and they do their very best to understand domestic violence. They'll never give up on trying to reach their goals, and that's to protect the victims and deal with the perpetrators in our society. Each court includes a mandatory male batterer program, and victims have access to other legal, medical or counselling services they may require.

Research tells us that to change attitudes we must reach our children in families across this great province. This past year we have worked with our Partners for Change network and with our community partners to develop resources for students and children, and to make certain that these resources are used and used properly and extensively. It's a very big challenge. It's a challenge for all of us in our own communities, to work with our children in our schools. We're not only giving information on the effects and consequences of violent behaviour but also giving them the tools to prevent and change negative social attitudes and actions, and hopefully being helpful to parents.

We have supported the development of a training package for elementary school teachers on violence issues, and school-based support services and expanded prevention strategies for children who have witnessed or experienced domestic violence.

We have enhanced violence prevention grants to communities to address the needs of many groups, but especially those needs of immigrant and refugee women and for women with disabilities. We are supporting the development of a curriculum for English-as-a-second-language courses on the issue of violence against women, and we are supporting a conference on sexual harassment to identify and share best practices across this province for dealing with this very serious problem.

Through working with our government, voluntary and private sector stakeholders and victims themselves, together I feel we can develop even better solutions. We will continue to work and we will continue to involve the people of this province in our efforts to ensure that the women and children of Ontario are free to live and work in safe homes, safe communities and safe workplaces.

The prevention of violence is everyone's responsibility.

1400

**Hon Charles Harnick (Attorney General, minister responsible for native affairs):** I rise today to honour the second annual day of commemoration for victims of crime. I especially would like to recognize the presence today of the leaders of victims' groups and advocates for victims of crime. Their leadership role is important and we are committed to continuing to work with them to advance victims' rights and improve services.

I understand that earlier today victims' groups met with the Ontario Crime Control Commission at a forum especially dedicated to address victims' issues. I applaud all the participants and look forward to hearing the suggestions expressed so that the government can continue

to make fundamental changes to the justice system to better meet victims' needs.

On this second anniversary of the Victims' Bill of Rights, this government continues to strengthen its commitment to create a justice system that protects victims of crime.

We lead the country in services for victims of crime and will not tolerate a justice system that does not respect, understand or respond to their needs. At the same time this government is committed to preventing crime by creating safe and secure communities.

In the throne speech of April 23, 1998, we renewed our commitment to "stand on the side of women and men concerned about the safety of rural communities and urban streets, or the security of their homes, or violence in school corridors and playgrounds." We believe that people in Ontario have the right to feel safe in their homes, neighbourhoods and communities.

Since June 11, 1996, this government has been supporting victims of crime through its precedent-setting Victims' Bill of Rights. This bill legislates a set of principles to support victims of crime with timely, respectful and courteous treatment throughout the criminal justice system. It also enshrined the victims' justice fund which guarantees that money will be available strictly for supporting services to victims. In addition, this bill provides better support for all victims who must testify in court.

I am proud to say that we are continuing to build on these programs.

In 1997-98, this government allocated some \$11.2 million for victims' services, creating new programs and expanding existing ones so that more victims of crime can be supported throughout all stages of the criminal justice system.

Some of our recent accomplishments include:

Doubling the number of victim/witness assistance program offices from 13 to 26 over the last two years, including six new offices in 1997-98. Our newest site in St Catharines will open June 29, 1998. These offices provide direct support to victim/witnesses going through the criminal court process.

More than doubling the number of victims served by the victim/witness assistance program in 1997-98 to 23,000, up from 11,000 in 1996-97.

Establishing six new domestic violence courts for a total of eight over the past two years, at an additional investment of \$5.2 million. These courts provide more support to victims, prosecute domestic assault cases more effectively and intervene early in abusive domestic situations.

Successfully funding these and other important victims' programs through the money raised by the victims' justice fund, which was entrenched in the Victims' Bill of Rights. This money is collected under the victims' fine surcharge that is dedicated to providing programs and services for victims.

In the throne speech on April 23, 1998, we announced that our government is now taking its commitment to

victims a step further in the coming year by establishing the office for victims of crime. The office will provide coordination of services that respond to the needs of victims of crime. It will be a focused centre of activity within government for victims' interests. Our government is presently consulting key victims' groups and advocates, many of whom are here today, on how to make sure this office will best serve victims. I thank you for your involvement, advice and suggestions and look forward to continuing to work with you.

While our government is proud of the substantial progress that builds on our initial commitment towards victims of crime, we also realize that more can be done. We will continue to expand victims' services and to consult with victims' groups in order to make the changes necessary to ensure that the rights of victims are supported by Ontario's justice system.

**Ms Annamarie Castrilli (Downsview):** We've heard this afternoon three statements about the government's commitment to victims of crime, and the response of my party is that this government's record shows quite clearly that they are long on rhetoric and very short on commitment.

This morning, while the government was preparing the platitudes that it was going to present here this afternoon, three real casualties of the justice system, three victims who have had their daughters brutally murdered or themselves hurt in a murder attempt, held a press conference out of frustration, out of pain, out of desperation with a system that has failed them. That's the real story here today. CAVEAT was at that conference and lamented the fact that a Victims' Bill of Rights in this province means nothing. It isn't worth the paper that it's written on.

These are the real stories, and all the fancy words across the way will not change one fact. Look at the record. Look at what you've done with respect to victims. Look what you've done with respect to legal aid. You've had two reports on legal aid, which you have shelved. You've had cuts to the legal aid system. The Ontario Judges Association and McManus in his report clearly stated that 66% of litigants in family court go unrepresented: most of those women, many of them victims of violence. Those are the real hard statistics that this government needs to look at, and that the people of Ontario know all too well.

Look at the cuts to the system generally. Look at the reports from crown attorneys, who too in desperation have put their views forward: a system that doesn't allow for interviewing of victims, that doesn't allow for preparation for hearings, that doesn't allow for basic, simple legal procedures to be followed. And you talk about a commitment to victims.

It affects women disproportionately. Your cuts have done irreparable damage to women.

Again, look at your record. Your spin doctors are busy saying that there has been no damage, that in fact you are a kind and compassionate government and you've targeted women and seniors. The reality is different. You've cut

funding for secondary shelters, undermining the safety of women. You've cut, you've eliminated totally, counselling and support programs for abused women. You've cut \$1.6 million over two years from administration and some grants that were related to violence against women. You've virtually eliminated every possible avenue of support for women in desperate situations. So don't come here today and tell us about your commitment to victims' rights. In fact, your commitment is appalling. It is non-existent, and the people of Ontario know that only too well.

**Mr John Gerretsen (Kingston and The Islands):** I would just like to follow up on that. You know, every minister in the government could get up and give a similar statement. The problem is what's happening out there in reality.

In reality, the number of crown attorneys that you have working in the province of Ontario is less than there were three years ago.

**Hon Mr Harnick:** Wrong. Wrong.

**Mr Gerretsen:** Yes, it's so. Look at your own budget. See what you're spending on that.

If you had listened to the three individuals who held their press conference this morning, you would have heard that these people were not even being given the simplest of information that they requested from the crown attorneys. I'm not blaming the crown attorneys for a moment. These people are overworked. When you look at the average caseload that these people take into court on a daily and on a weekly basis, they simply do not have the time currently, because of the lack of resources, to converse with the victims.

#### 1410

You can pass as many bills as you want, but unless you actually put the resources into place to make the bills meaningful — you have to give the victims a place at the table. They cannot be an innocent bystander in the legal process.

Attorney General, if you really want to do something, why don't you give the victims of crime status in the legal proceedings? Right now, we all know it's just a situation that involves a crown attorney and that involves the defendant or his counsel. Why don't you take that one extra step, and I challenge you, to make the victims who are involved in these crimes active participants in the criminal justice system? Until that step is taken, all your words are meaningless, because there are an awful lot of people who are going to be left out of the process that your bill so sanctimoniously makes them part of. Until you take that step, no meaningful change will take place in this province on this issue.

**Mr Peter Kormos (Welland-Thorold):** It's beyond ironic that the Attorney General stands here this afternoon but two hours after Linda Even, Tracy Christie and Karen Vanscoy, all three of them victims of tragic, violent crime, announced that they're going to be suing this government because they were very specifically and clearly and undeniably denied their rights under this Attorney General's Victims' Bill of Rights.



Let me tell you, Attorney General, let me remind you perhaps, that in the case of Linda Even, that was raised. I raised that case in this Legislature. You had a chance to make it right and you didn't. In the case of Ms Vanscoy from St Catharines, both Jim Bradley, the member for St Catharines, and I raised that in this Legislature. You had a chance to make it right and you didn't. It's your negligence, your failure to act, your disdain for these people that has resulted in you putting the government of Ontario back into the courts this time, once again as a defendant, being sued because these three women, representing I'm sure countless others, were denied their rights under your much-touted Victims' Bill of Rights.

Mrs Boyd from London Centre made it quite clear during second reading debate that there are some serious concerns about section 2, and specifically subsection (5) of section 2. She addressed those. You had a chance to make it right over the course of over two years now, and you haven't: once again, your negligence and your disdain for the people you want to talk about assisting and caring for when you stand up in this House, speaking into the cameras and talking to the press, trying to put a positive spin on what has been a miserable leadership in your Ministry of the Attorney General.

Take a look at the recent survey of crown attorneys here in Ontario and you'll learn that 75% of crown attorneys have less than five minutes to prepare for bail hearings. Do you call that defending victims' rights or interests? Far from it, Attorney General. Some 55% of crown attorneys are allowed to interview victims outside of court time in less than 10% of the cases. Over 55% have almost no time to permit interviews of all victims of crime, including domestic assault. These are shocking figures.

Once again, your disdain for victims, your under-resourcing of crown attorneys, your under-resourcing of police forces, your under-resourcing of courts in this province have turned your Victims' Bill of Rights beyond being merely a set of rights without a remedy and into being a real sham and something that's become quite laughable and quite pathetic, to the detriment of the administration of justice in this province and to the great pain of thousands and thousands of victims of serious and violent crimes about whom you don't care.

**Ms Marilyn Churley (Riverdale):** It makes my blood boil today to hear the minister responsible for women's issues stand up and say that victims of domestic and sexual assault have more choices for support available to them. She did not say anything today about putting back in place some of the support systems, some of the safety nets that were there for victims of domestic violence and their children, like social assistance, like child care, like legal aid, which my colleagues have spoken about today, like affordable housing — the government has totally removed itself from that — like the support services at Second Stage Housing.

**Ms Frances Lankin (Beaches-Woodbine):** That's a shame.

**Ms Churley:** It is a shame, and it's shameful as well to hear those pretty, flowery words from the minister today.

Is she not out there talking to those victims of violence? Is she not aware, from the evidence that OAITH and others have collected, that more and more women, because of the social safety net and the cuts in welfare and housing and all of the others, are being forced to go back to the very violent situations that they walked away from? The minister, in my view, should be ashamed today and get up and say they have more choices.

At the very least today I would have liked to have heard from the minister — all of those programs are fine, and I certainly do not object to some of the support, some of her initiatives, but the very reality is that the women who are victims of this violence, and their children, are losing the supports that were there in place for them. The minister must be aware, must know that these people are being forced to go back in some cases to very dangerous situations, and their children, who used to get some support at shelters or at second-stage housing, no longer can get that support.

## ORAL QUESTIONS

### VICTIMS OF CRIME

**Ms Annamarie Castrilli (Downsview):** My question is for the Attorney General. Today three victims of crime held a press conference. They told a tale of pain and frustration, of a justice system that ignored them, disrespected them, did not inform them and sometimes even verbally abused them when they tried to insist on their rights. Karen Vanscoy's and Tracy Christie's daughters were brutally murdered. Linda Even was herself stabbed numerous times in an attempted murder. Their pain is real, their treatment by the justice system horrendous.

They have asked for no personal compensation in this lawsuit, simply a declaration that the rights of victims will be clarified and that they will no longer be violated. Will you assure these women and the countless other victims of crime that you are prepared to make the necessary changes and make the Victims' Bill of Rights a real bill of rights and not just a public relations exercise for your government?

**Hon Charles Harnick (Attorney General, minister responsible for native affairs):** I certainly want to acknowledge the tragedies that the three women have suffered, and certainly, on behalf of the administration of justice, to say that we are committed to fundamentally changing the justice system to improve the treatment of victims. That is why I'm very proud that we passed the Victims' Bill of Rights, the most comprehensive piece of victims' legislation in this country today. What is particularly important about the Victims' Bill of Rights in this particular situation is that for the first time victims now have recourse to hold the system of justice accountable in the province.

The opposition can belittle the Victims' Bill of Rights all they want; the fact is we have a system that must be accountable. It's a public system and the fact that we have

a Victims' Bill of Rights that people are using to hold the system accountable is something I'm very proud of.

**Ms Castrilli:** I wonder if the minister truly understands the courage it took for those three women to come forward and the pain they have had to endure to bring their cases forward. We're not talking rhetoric, Minister, we're talking real people, and the reality is that these women have been victimized already. They were victimized when their daughters or they themselves were attacked or killed, they were victimized by a justice system that ignored them and disrespected them, and they are being victimized again by you, being forced to take the government to court to have their rights under the bill of rights insisted on.

The member for Scarborough West said today: "For too long victims have been ignored. Time is of the essence." I ask you, do you agree with the member for Scarborough West and will you not act now to make this bill really an effective bill for victims?

**Hon Mr Harnick:** I do agree with the member for Scarborough West and I do agree that time is of the essence, because what we want to do in this government is provide victims with the best supports that are possible. We are prepared to work with victims' groups. We're prepared to listen to the suggestions of the member who poses the question, to do everything we can to provide victims with the support they need.

One place we have started is with the Victims' Bill of Rights, a concept, I might add, that was totally rejected by the member's party and by the former government. We are trying to do everything we can to work with victims' groups, to bolster the system and the services available to victims, and also to ensure that victims are heard within the justice system, that their rights are balanced with the rights that accused individuals have. We are trying to do that at every turn.

1420

**Ms Castrilli:** I remind the Attorney General that my very first act in this Legislature was to present a bill of rights that had far more teeth than what you had and you voted against it.

Let's look at the issue before us. Let's look at what crown attorneys, the people who work in the system, have to say. Let's look at the fact that a recent survey of crown attorneys clearly says that the victims we heard from this morning are right, that they have less than five minutes to prepare for bail hearings, that they seldom have time to interview victims of crime, that they feel compelled to deal expediently when they deal with plea bargains, all as a result of the drastic cuts and your lack of commitment to the system you say you care passionately about. You're not tough on crime. You're tough on victims of crime.

I challenge you, Minister. Under your watch, the delivery of justice has been compromised. Victims are coming forward, crown attorneys are coming forward, at great expense to themselves. Will you commit the resources necessary to the system for the crown attorneys to do their job and for victims to get real justice?

**Hon Mr Harnick:** It's passing strange that I hear this rhetoric from the member. The member from Burlington

proposed a victims' bill of rights going back to 1987. The Liberals voted against it, the NDP voted against it. The member from Burlington —

*Interjections.*

**The Speaker (Hon Chris Stockwell):** Order. Minister.

**Hon Mr Harnick:** The member from Burlington presented that bill on a number of occasions and the same two parties voted against it time and again.

I have been to federal-provincial-territorial meetings now for three years. I have begged the former Minister of Justice and the current Minister of Justice to bring in a national victims' bill of rights, to enshrine it in the Criminal Code, to have national standards. I have asked repeatedly for the Liberal government in Ottawa to do that. They totally ignore those requests.

We, in Ontario, have created a bill of rights that provides more victims' protection and services than anywhere else in Canada. We intend to build on it. We intend to work with anyone who has suggestions to make that bill better and to make victims' services better, and we're determined to make sure that victims' rights are protected.

**The Speaker:** New question, official opposition, member for York South.

**Mr Gerard Kennedy (York South):** I suppose that's why the minister's being sued.

**The Speaker:** I want to know who your question is to.

#### NURSING STAFF

**Mr Gerard Kennedy (York South):** My question is to the Minister of Health. I want to ask you about your mismanagement of the health system and specifically how you've mismanaged it with respect to patient care. We have a report that came out a few days ago that tells us that you've fired and discouraged so many nurses, according to the Ontario College of Nurses, that we now have the lowest ratio of registered nurses to population in Canada —

*Interjections.*

**The Speaker (Hon Chris Stockwell):** Order. Member for Niagara Falls, I know you're not in your seat and I know you want to go to your seat. Thank you.

**Mr Kennedy:** This is indeed upsetting information because this province, the richest province in the country, now has fewer registered nurses to population than the Northwest Territories, the worst of every province and territory, and it's the direct result of the policies of this government. Minister, I find that completely unacceptable. I want to know what it is you've got against nurses in this province, and really, what it comes down to, what have you got against patients?

**Hon Elizabeth Witmer (Minister of Health):** Our government has recognized the very legitimate concerns of the nursing organizations in Ontario. We are well aware of the fact that their long-standing concerns and problems were ignored by the two previous governments. In fact, in response to the request that the nurses have made to us, we



have indicated that we're establishing a nursing task force to look at the issue of nursing supply in order to ensure that we do have the nursing resources that are required.

Further to the comments that have been made by the member opposite, I would also focus your attention — you talked about I think the news released last week. In there, the RNAO president did say, "The recent funding announcement of base funding of \$5 million for nurse practitioners shows that the Minister of Health, Elizabeth Witmer, is listening." Our government is listening to the concerns of the nurses.

**Mr Kennedy:** Minister, I'm about to test whether you listen or not. There are nurse practitioners in this province who aren't even working. What I want you to do is listen to the story of Kim West.

Kim West graduated in this province in 1991. She had casual but full-time hours beginning in 1992 and, under your government, those hours started to decline at South Muskoka Memorial Hospital. She has seen every full-time person leaving that hospital under your regime be replaced by two part-time and two casual people.

She has applied everywhere in the province, all kinds of other hospitals, trying to seek opportunities. She is a registered nurse, she has a critical care background, she's an emergency nurse who has all the training to do that job, and she can't get full-time work in this province.

Minister, a very simple question: Will you call Kim West and explain why you won't let nurses work in this province, why we have the lowest ratio of nurses to population of any province or territory, the worst record in the country, and what you're going to do to help Kim West? Will you do that?

**Hon Mrs Witmer:** We are very committed to the nursing profession and we recognize the very important role that they play in providing health services to people in this province. In fact, when we made our announcement a couple of months ago regarding the expansion of long-term-care services and community services, that was a \$1.2-billion announcement. We also indicated that, as a result of that announcement, there were going to be some new additional nursing opportunities. There are going to be 7,900 new jobs created. In fact, I referred in the first statement and question to the fact that we invested in our budget \$5 million in order that we can employ nurse practitioners.

We also indicated, when we responded to the emergency task force, that we recognized there was a need for training of emergency and critical care nurses, and we invested \$1 million. We have responded to every one of the concerns that has been brought forward to us by the nursing profession. We are working collaboratively and will continue to do so.

**Mr Kennedy:** We hear from the Minister of Health directly how she refuses to listen. She won't call Kim West. If you did want to listen, Minister, it would be a long-distance call because last week Kim West went to BC because they want nurses there. That's where she and other nurses have to go to get work. They've taken the

measure of confidence in this government and they have none.

Minister, you've failed her and you've failed the nurses of this province. You've failed the patients. It's getting worse because I don't think the nurses of this province asked you to fire 1,400 of them last year. I'm pretty sure that wasn't their request. I'm pretty sure they didn't vote confidence in you when 5,598 of them gave up their registration between 1994 and 1997 — a 138% vote of no confidence in you, Minister, and in your government.

And the poor working conditions: We've got a 22% increase in retirements. We have a 59% increase of nurses unemployed. Minister, will you reconsider? Will you start putting money directly into improving the conditions for nurses —

**The Speaker:** Thank you. Minister of Health.

**Hon Mrs Witmer:** I would encourage the member to look at all the information. As I've indicated, we have been working very collaboratively with the nursing profession. We have addressed all of the concerns that they have brought to our attention in recent months. In fact, it was in response to the concern that we are developing a patient safety act. It was in response to their concern about the issues of supply and some of the working conditions that we are setting up the nursing services task force.

Also, we have invested. As I indicated, there will be 7,900 additional jobs for nurses as we open up new long-term-care facilities and community services. There will be \$5 million devoted to nurse practitioners and an additional \$1 million to train nurses in the emergency and the critical care rooms.

Also, I would remind the member opposite that despite the information he is providing, last week, on June 4, the RNAO, the Registered Nurses' Association of Ontario, said quite clearly, "The Minister of Health is listening."

1430

**The Speaker:** New question?

**Mrs Marion Boyd (London Centre):** Minister, we're tired of having you recite these promises when we know what the reality is. Last week we asked you about hospital funding and we pointed out to you that after taking \$800 million out of hospitals already, you're asking them to take another \$200-million pressure. This amounts to over \$1 billion that's been taken out of hospitals and it's affecting the service to the people of Ontario.

Hospitals have cut nurses' jobs, residents' jobs and operating room time. Part of the pressure comes from an arbitration award to nurses, a mere 2%, which was frankly only a well-deserved cost-of-living increase. If you don't do something to make sure that award is followed through without a further reduction in nurses, the services in Ontario hospitals are going to be even further cut.

Minister, what are you going to do to ensure that nurses get their full salary increase without a further round of layoffs?

**Hon Mrs Witmer:** First of all, I would indicate to the member opposite that it was under your government that the nursing supply per capita began its decline. Nursing per capita went down 8.9% from 1993 to 1995 under the

NDP government. That is certainly significantly more than what we are experiencing now. At the present time, during the same time period, we've seen a decrease of 2.8%.

We are working with nurses. We will be continuing to work with the hospitals, the physicians, the long-term-care facilities and the community services in order that we can ensure that qualified nurses are available to provide the appropriate level of service to people in this province. That's the reason we've set up the nursing task force and we will continue to work with them.

Obviously now we have the additional issue of the settlement, and we are working with the hospitals in order to ensure that they have the additional money to recognize the additional pressures.

**Mrs Boyd:** We're tired of the fact that you're working with them. You're not requiring them to be accountable.

We've just gathered some salary increase statistics of hospital administrators. From 1996 to 1997, for example, the CEO of Sunnybrook hospital received a 41% increase in the base salary, to over \$300,000. The CEO of Laurentian Hospital in Sudbury got a 26% increase. On the other hand, services are in jeopardy because nurses and residents and other hospital workers are being laid off.

Don't you understand what's happening here? You are not requiring hospitals to be accountable for the way they spend their dollars. You are prepared to see those kinds of obscene increases in salaries and yet you're not prepared to support nurses to get a mere 2% increase.

Minister, what are you going to do about this and when are you going to understand that hospital care is provided by nurses, not by hospital administrators?

**Hon Mrs Witmer:** We do understand. That's why in recent months our government has taken very aggressive steps to ensure that the role of the nurses is enhanced in this province. In fact, it's because of the problems that were created by the NDP government in particular that we're starting to see the decreased numbers.

*Interjections.*

**The Speaker:** Final supplementary.

**Mrs Boyd:** Minister, you remind me of a story my mother used to tell about the mother watching the troops walking by who said, "Oh, look, everyone is out of step but my Johnny."

Quite frankly, doctors are talking, nurses are talking, everyone in this province is talking about the decline in hospital care that has occurred under your government's watch, nobody else's.

In the latest issue of Members' Dialogue, Dr Michael Bell tells a chilling story of the impact on patient safety and on the very safety of lives because there are not enough residents, due to recent cutbacks, to oversee patient care throughout the night. It's not just nurses; everyone working in health care is trying to alert you to the fact that you're destroying a system that once offered very good care and that no longer can do it because of your cuts and because of your bungling of the implementation of restructuring.

**The Speaker:** Question, please.

**Mrs Boyd:** Minister, when are you going to require some accountability in the dollars that are spent and make sure that the dollars go to patients, not to the high-priced help in the administrative towers of our hospitals but our —

**The Speaker:** Thank you.

**Hon Mrs Witmer:** You referred to the salaries. We were the government that actually had the courage to bring in public sector hospital disclosure for salaries. However, you were the government that actually stripped nurses of their wages through the social contract.

You talk about the fact that there's a need to move forward. I'd like to share with you some of the quotations in the letters we're getting from people regarding what this government is doing for nurses.

"Sue Williams, president-elect of the Registered Nurses Association of Ontario, said the promise of 7,900 new nursing jobs was welcome."

Mary Ellen Jeans, executive director of the Canadian Nurses Association, May 4, says, "Your announcement is...good news for young people." She also says, "I...congratulate your government for making a commitment towards reinvesting in registered nurses."

#### GOVERNMENT CONTRACTS

**Mr Peter Kormos (Welland-Thorold):** To the Chair of Management Board, a question about the Niagara casino coverup. For two weeks, we've been raising questions about the conflict of interest and your coverup, and since yesterday you've been hiding behind the report of the lawyers for the OCC. You know that the report is nothing more than a whitewashing; it's not independent. A dark cloud continues to hang over the shady dealings down in Niagara in the casino choice. The report is absolutely bogus; it's not independent. The law firm that did this report has a solicitor-client relationship with the OCC and they're duty-bound to protect the interests of their client. It's no wonder you gave us the report. It's nothing more than an attempt to cover your political backside.

If you've got nothing to hide and if you're not trying to engage in a coverup, you'll call for an open and independent public inquiry into this matter. The report is a whitewash. Will you do the right thing and call for a public inquiry?

**Hon Chris Hodgson (Chair of the Management Board of Cabinet, Minister of Northern Development and Mines):** The third party is again calling for a public inquiry. The opposition has called for a public inquiry almost 100 times on over a dozen different issues. On this particular matter, it was a serious allegation that was raised in the Toronto Star and by the opposition parties in this House. I undertook to ask the OCC to ask their lawyers to prepare a report on what the facts were around these allegations. They have done that. I released their report to your party, to the Liberal Party and to the press. Anyone can read the facts. They're quite clear. I can run through the quotes. They say that the allegations you've



been making are false. The report states the facts around the matter and it speaks for itself.

1440

**Mr Kormos:** I know this is really tough for you. Let's take you through the facts. You call upon the OCC to launch an investigation. They use their own lawyers who have working for them through the process of the casino selection to do this inquiry regarding Coopers and Lybrand and Michael French. Michael French worked for one of the proponents, then was part of the selection process.

What do Davies Ward and Beck do? They write to Coopers and Lybrand and ask them, "Was there a conflict of interest?" Coopers and Lybrand writes back and says, "There was no conflict of interest." Then Davies Ward and Beck said, "Well, there was no conflict of interest." What did you expect them to say?

In the June 2 letter from Coopers and Lybrand, it says: "Mr Goldlist acknowledged that it was not necessary to document the numerous prior relationships." As a result, those prior relationships didn't form a part of the investigation, Minister. It doesn't cut it. This whole affair still stinks to high heaven. Are you going to stand there and defend this bogus report?

**Hon Mr Hodgson:** Now we've heard it all. Now you're not only alleging all your other smear tactics, but you're attacking the integrity of a well-respected law firm in Toronto, Davies Ward and Beck, who were asked to report to the OCC on the facts. They outlined the facts. If you have a problem with those facts, you can state it.

But to say that this is wrong for a legal firm to state its reputation, that here are the facts and that they went through the process — I want to give you a quote from their report that was prepared:

"Mr French and Coopers and Lybrand did have prior involvement with certain participants in all of the four proposals. None of these prior engagements related to the Niagara Falls proposal and all were concluded prior to the opening of bids on April 30, 1997."

**Mr Kormos:** Minister, Davies Ward and Beck are very good lawyers. They fulfilled their obligations to their client pursuant to that solicitor-client relationship. This is like asking Johnnie Cochran if OJ is guilty, for Pete's sake. You don't understand how serious this is. You can be darned sure that Davies Ward and Beck are going to protect their client's interest and say that everything was on the up and up.

This stinks, Minister. You know it, or you ought to. How can you stand there and defend this report when it was OCC's own lawyers who were advising them through the course of the whole process and who really relied on the letter from Coopers and Lybrand to see if there was no conflict to report back to you that there was no conflict?

This is a coverup, Minister. You're being drawn into this. You're going to end up paying a price for this. Why don't you clear the air now with a public inquiry?

**Hon Mr Hodgson:** The member from the third party is again on this issue. What was asked about it was to report back on the facts around Mr French and Coopers and

Lybrand's involvement. The OCC have asked their legal counsel and they've prepared a report, which I've shared with you, that outlines the facts.

To say that they're judge and jury is wrong. What they've done is outline the process. They've outlined Coopers and Lybrand's involvement in it and made that very public. The facts speak for themselves, that they did not, in the OCC lawyer's opinion, influence the process. Their involvement is outlined in some detail, that it in no way influenced the process one way or the other. They were acted upon in good faith, this arm's-length process, this selection panel. This was reviewed by a review commission.

Now they're dealing with the number one rated proposal. As you know, they're in negotiations on that. We just appointed Ron Barbaro as the CEO of that. He will review this report, review the deal itself and make recommendations with his board on where we go from here.

## CHARITABLE GAMING

**Mr Bruce Crozier (Essex South):** My question is to the Chair of Management Board as well. My Liberal colleagues and I have told you time and time again that we're opposed to the expansion of gambling in Ontario. In fact, many if not most Ontarians agree that they are opposed to the expansion of gambling in Ontario. Yet you continue along this road to expanding it all over the province, mainly for the benefit of your government and your rich friends.

My question is about net revenue from table games at charity casinos. Your press release, dated April 9, titled No Neighbourhood Gaming with Cancellation of VLT Program, said, "Charities will now receive 100% of net revenue from table games at these charity casinos." But the legislation authorizes the government to make payments from these revenues for other activities, programs, non-profit corporations or charitable organizations.

**The Speaker (Hon Chris Stockwell):** Question?

**Mr Crozier:** Minister, what happened to your promise about giving 100% to charities? Is it a broken promise, and how can we try to —

**The Speaker:** Thank you.

**Hon Chris Hodgson (Chair of the Management Board of Cabinet, Minister of Northern Development and Mines):** To the opposition, we will keep our promises that the revenue from table gaming goes to charities.

In your preamble you state that you on the Liberal side are against gambling. Why do I get letters from your colleagues, then, asking for an expansion of gambling in their ridings, or asking for a continuation of the old, flawed Monte Carlos, which had 15,000 days of gaming, which had about 5,000 locations? That was hard to regulate and we shut that down on March 31 this year. I got letters from your colleagues in the Liberal Party saying: "Don't close that down. We like that system," because nobody is paying attention to it. They don't want the light shining on it that says that if your community

chooses to have gaming, it has to be in a well-controlled, well-regulated, supervised place where children can't have access to it.

**Mr Crozier:** I'll tell you what, Minister. They didn't have slot machines in charitable casinos before, and we're certainly against those. The people of Ontario aren't going to trust you on this one, because today we introduced an amendment in committee, in clause by clause, that guaranteed that charities would receive 100% of table gaming net revenue. There's no guarantee in your legislation that the charities will benefit from any of it, because they have to share it with everybody else.

Your press release said, "Charities will now receive 100% of net revenue from table games at these charity casinos." Minister what happened to that promise to give 100% of net revenue from these gaming tables to the charities? Why have you broken your promise and why haven't you kept it in this legislation?

**Hon Mr Hodgson:** If my colleague from the Liberal Party had read the announcement, maybe he wouldn't have introduced an amendment that was so flawed. Some 50% of the table gaming goes to charities through the Trillium Foundation and the other 50% goes through the Ontario Lottery Corp. Your amendment would have made that impossible. Our promise stands, that if a community chooses to have gaming, there are certain rules they have to adhere to, and on those table gaming revenues, 100% will go to charities: 50% through the Trillium; 50% through the catchment areas of the community.

### GOVERNMENT CONTRACTS

**Mr Peter Kormos (Welland-Thorold):** To the Chair of Management Board: Earlier today, while being interviewed by the news media, you said, "I personally would prefer that they," Coopers and Lybrand, "hadn't worked for any of the proponents, but the reality is that Coopers and Lybrand have done work for everyone." Then, when asked, "Why is that?" you said, "I just think you wouldn't have had these allegations in the House for the last few weeks, if indeed that were the case."

Your comments make it clear to all of us that in your view there's the appearance of a conflict of interest regarding somebody who had insider information. You would have preferred that Coopers and Lybrand had not been involved with any of the proponents. I agree with you. It would have been better if there hadn't been a perception of conflict of interest to begin with to undermine the integrity of the bidding process.

You're the minister, and that was the opinion you expressed earlier today. If that's how you felt, that you would have preferred that Coopers and Lybrand hadn't been involved with any of the proponents, why didn't you fire them as part of the OCC process?

**Hon Chris Hodgson (Chair of the Management Board of Cabinet, Minister of Northern Development and Mines):** Let's get real for a second. Coopers and Lybrand has done work; they're renowned across North America for their expertise in this sector. That's why your

government brought them in on the process involving the Windsor casino and that's why our government, through the OCC and the selection committee, brought them in to give advice, along with others in the community, about 20 who are outlined in this report. If you take the time to read it, it goes through the process quite clearly.

To say that somehow my comment reflects poorly upon this process is absolutely false and misleading.

**The Speaker (Hon Chris Stockwell):** That's out of order.

1450

**Hon Mr Hodgson:** I withdraw that.

As my colleague from Renfrew would say, it's a canard. Let's —

**Mr Kormos:** Don't listen to him. Just finish your work, for Pete's sake.

**Hon Mr Hodgson:** "Don't listen to him." The reality is that Coopers and Lybrand have a great reputation. That's why they were hired by firms. They've done work for all four proposals. What is made clear by this report is that it didn't influence the process, that their advice was taken in conjunction with advice received from other experts and that in no way did they rank the proposals. That was done by an arm's-length group.

**Mr Kormos:** I've got to run this past you again, because I'm sure that the folks watching aren't concerned about whether or not I've read the report. There may well be concerns about whether or not you've read the report and/or whether you understand the implications, the very serious implications here.

You requested an inquiry into the role of Coopers and Lybrand. The lawyers who had been retained and who had acted and who had a solicitor-client relationship with the OCC wrote a letter to Coopers and Lybrand effectively saying, "Was there a conflict of interest?" Coopers and Lybrand said, "There was no conflict of interest." That became the report of Davies Ward and Beck. That became a fact, as you put it, that you rely upon. There was no independent investigation. There was no examination of the prior relationships.

This report is indefensible, you're trying to hide behind it. You're going to pay the price, come hell or high water, once the facts eventually emerge. Why don't you clear the air now with a public inquiry? Otherwise, what are you trying to hide? Does this go all the way to the top? Why is there a coverup? Why are you afraid of a thorough, independent public inquiry? Whose future is at risk here?

**Hon Mr Hodgson:** This is a lot of nonsense. What you've asked for, and the allegations that were raised by the Toronto Star and by the opposition are very serious — what the Ontario Casino Corp and their lawyers, Davies Ward and Beck, have done is report on the facts. In their report they go through the allegations and they state that most of them are patently false. The others have no grounds to have influenced the process or to have had any impact whatsoever on the fairness of this process as has been reported.

From here Mr Barbaro, a recent appointment as CEO of the casino corporation, will review the report. He will



also look at all the dealings as they negotiate with the number one proponent before a contract is entered into.

### AGRICULTURE PROGRAMS

**Mr Ernie Hardeman (Oxford):** My question is to the Minister of Agriculture, Food and Rural Affairs. This week marks the third anniversary of the victory of the Common Sense Revolution. June 8, 1995, was the day Ontarians slammed the door on 10 years of tax-and-spend governments, governments that killed jobs, dashed hopes and stifled opportunity. Could you tell this House what the government has done so that June 8, 1995, was also the day that the agricultural sector in Ontario turned the corner?

**Hon Noble Villeneuve (Minister of Agriculture, Food and Rural Affairs, minister responsible for francophone affairs):** It's always a pleasure to answer my colleague from Oxford. I have found this very interesting: the Chatham Daily News, "Harris Champions Agriculture," a headline. Very interesting.

Let me point out that when we put the Common Sense Revolution together, we said that we would get rid of Bill 91, a bill that was attempting to unionize the family farm. What did we do? Bill 91 is no more. We're pleased with that.

The previous governments, both Liberal and NDP, really put agriculture on the back burner because they, through smoke and mirrors — the farm tax rebate — attempted to make it look like the budget was real big.

**Mr John Gerretsen (Kingston and The Islands):** You cancelled it.

**Hon Mr Villeneuve:** Yes, we actually —

**Mr Gerretsen:** You got rid of it. You made municipalities pay for it.

**The Speaker (Hon Chris Stockwell):** Order.

**Hon Mr Villeneuve:** Previous governments shut down two of our agricultural colleges, which they're not bragging about too much, but they did shut them down. They reduced the budget for agriculture. I'm pleased to say that we turned that around and we now have more money, real money, in the agricultural budget. Research and technology, investment and market development, rural economic development and risk management: four of our main issues, and I can assure my colleagues, both in government and in the opposition, that agriculture is on the front burner.

**Mr Hardeman:** Clearly June 8, 1995, was the day Ontario turned the corner on 10 lost years of previous Liberal and NDP government. The people of Ontario are now enjoying lower taxes, a strong economy and a welfare system that provides hope and opportunity, not an endless loop of dependency.

Minister, on top of all this, how has the government service improved to our hardworking farmers in Oxford county?

**Hon Mr Villeneuve:** The farm organizations asked the government of Ontario to continue with the provincial sales tax rebate on capital construction, and that was done.

It's the third year now that it's been done. It was something that was innovative, because the previous governments never thought of that. We actually listened to what people told us and we did it. We beefed up the OMAFRA Web site — 26,000 hits last month. As you know, our farmers do work late at night. They're able to come in and —

*Interjections.*

**The Speaker:** The minister deserves the opportunity to respond to the question from the member for Oxford. I'm having a great deal of difficulty hearing. I wish you'd come to order. The minister is having difficulty hearing as well.

**Hon Mr Villeneuve:** Farmers now have, through our Web site, a wealth of information available to them 24 hours a day, seven days a week, and that is very important because agriculture is on the leading edge. Technology is being used by our farmers, and that's why our farmers are some of the best anywhere in the world. I'm very, very proud to have this ministry helping them.

AgriCorp was set up by the Ministry of Agriculture, Food and Rural Affairs to deliver safety nets, among other things. They're farmers working for farmers. They understand the problems, working with them. Indeed there was frost last week in parts of Ontario. AgriCorp is now working on that to compensate farmers.

All in all, agriculture is in good hands and it's on the leading edge of the economy here in Ontario.

### YEAR 2000 PROBLEM

**Mr Gerry Phillips (Scarborough-Agincourt):** My question is to the Chair of Management Board. I met this morning with the executive of the chamber of commerce and they indicated some considerable concern about whether the government of Ontario will be ready from a computer point of view for the year 2000. They are quite concerned about it. I realize the government, although I might say somewhat late, has put some money in the budget. None the less, I think the chamber and indeed many of us are extremely worried that the province will not be ready.

My question is this: Are you prepared to engage an outside, independent, professional firm that can give us an independent, objective assessment on the state of readiness for the year 2000?

**Hon Chris Hodgson (Chair of the Management Board of Cabinet, Minister of Northern Development and Mines):** The year 2000 is a huge challenge for the government. It's probably the largest challenge governments have had to face in recent memory. It is requiring a lot of resources, as you alluded to. It's going to cost anywhere from \$200 million to \$400 million. What our government has done is centralize operations in Management Board. We've created a list, an inventory, of the mission-critical systems that have to be done first. We want to have those completed by January 1999, so we have a full year to do it. I've consulted with the federal government and met with the industry task force groups.

We're working with the private sector. We want to make sure we're ready and compliant by the year 2000.

**Mr Phillips:** You didn't answer the question, actually. I just say to the minister that there's an awful lot of scepticism about how ready you'll be. I remember the glitch when the municipalities were standing by waiting for numbers. Then the computer crashed at 3 in the morning or something like that and the province couldn't give them the numbers. There is a lack of confidence in the government's ability to fix this problem.

I say again that I think all of us, including the government, would benefit if we got an objective outside analysis using professional people who are knowledgeable about the year 2000 problem to give us an assessment of it. I say again what I said in my first question: Are you prepared to engage a professional, outside firm to give us an objective analysis of the state of readiness and recommendations on how we can fix it? Are you prepared to do that?

1500

**Hon Mr Hodgson:** I think it's in everyone's interests that this problem is addressed and done properly so that we're prepared to go into the next millennium without our systems breaking down. If the Liberals are trying to make a partisan issue of this, it's extremely regretful.

**Mr John Gerretsen (Kingston and The Islands):** No. We want an outside consultant.

**The Speaker (Hon Chris Stockwell):** The member for Kingston and The Islands, will you come to order.

**Hon Mr Hodgson:** I know the member opposite has the best interests of the province at heart and I accept the advice.

We've been communicating and working with the chamber of commerce. We've been working with our broader public sector partners. As you know, in the budget there were substantial dollars for health care systems to be upgraded. We welcome any advice that we can get from any sector — the private sector, public sector, other governments, other provinces, other countries. We want to make sure that this is implemented quickly and efficiently and that it's there to serve people as we go forward in the next millennium.

### SAME-SEX BENEFITS

**Mr Peter Kormos (Welland-Thorold):** I have a question to the Attorney General. It's offensive that, at a time when other provincial governments like Nova Scotia are extending benefits to same-sex partners, this government is conducting a campaign of harassment.

With us today in the House is Kelly Kane. She's a victim of this harassment. She lost her life partner, Robin, in a tragic motor vehicle accident four years ago. They had a joint life insurance policy and the insurer denied coverage, claiming that Robin wasn't a spouse as defined by the Insurance Act. The government was a party to the litigation that proceeded, defending the insurance company and their non-payment on a policy that she and Robin had paid for for several years. But the trial judge ruled that Robin was in fact Kelly's spouse and that the benefit had

to be paid. The insurance company agreed and was prepared to pay, but you appealed it.

You talk a lot about how governments shouldn't intervene in domestic matters. You don't even think the courts should intervene most of the time and yet here you've chosen to intervene, not once but on numerous occasions. What's driving you in this matter? What exactly are you afraid of in the trial court's decision?

**Hon Charles Harnick (Attorney General, minister responsible for native affairs):** The member for Welland-Thorold is aware that there are a number of cases before the courts. There are a number of decisions that will be made in the next, I believe, short period of time that will define a number of these long-standing issues. Certainly we will wait for the court to make the decision on these very matters to provide us with the guidance we need to go forward.

**Mr Kormos:** You see, the problem is you're taking a very clear position in your intervention and participation in this litigation. You are clearly interested in persuading the courts to deny same-sex partners benefits under any number of circumstances. The matter of Ms Kane isn't the only case. In the case of M and H you have appealed once again. Litigants M and H don't want to be in court, you know that, but you're forcing them to remain in court. They've reached an agreement. You're forcing them to continue to litigate. And you've got the nerve to use Ontario tax dollars to intervene in the Vriend case in Alberta.

When are you going to stop wasting Ontario tax dollars to harass citizens by prolonging litigation which has been settled by the parties? There's more at stake here, because you're actively engaged in keeping the issue from being resolved, you're actively engaged in keeping justice from being done.

**The Speaker (Hon Chris Stockwell):** Question.

**Mr Kormos:** When are you going to stop harassing innocent citizens and when are you going to stop denying the equality of gays and lesbians in Ontario? The courts have recognized that justice must be done, the people have recognized that it must be done. When are you going to —

**The Speaker:** Thank you. Attorney General.

**Hon Mr Harnick:** This issue was debated in this Legislature, and as a result of the outcome of that debate the law was not changed. As a result, challenges have been made to existing law in Ontario. I believe the government has acted responsibly to deal with challenges to the laws that this Legislature has sanctioned —

**Mr Kormos:** You don't like what the courts are saying so you keep appealing.

**The Speaker:** Come to order, please. The Attorney General has the floor.

**Hon Mr Harnick:** Certainly the government has acted very responsibly in dealing with legislation that this Legislature has countenanced, that remains on the books. The courts are now dealing with some of these definitions that the member is concerned with. I believe we will have an answer from the court soon. But certainly we have proceeded responsibly and dealt with the legislation as this Legislature has directed us to do.



## SOCIAL ASSISTANCE

**Mr John Hastings (Etobicoke-Rexdale):** My question is directed to the Minister of Community and Social Services. It concerns recent criticisms from the Ontario Dental Association regarding changes in dental coverage for children, both under Ontario Works and the Ontario disability support program. We would like to know what is your thinking regarding these particular criticisms from the ODA that the changes are both detrimental and hurtful to the kids in Ontario and what is the rationale for the introduction of these changes at this time.

**Hon Janet Ecker (Minister of Community and Social Services):** One of the things we want to do is to improve the services for children. One of our first goals of course is to ensure that more of their parents, more families are in the workplace. We know that over 108,000 fewer children are trapped on welfare — or have left welfare that were there before.

The second part is to improve some of the services for children who are still in families that are relying on welfare. One of the things we have done is to improve the dental coverage. It is now mandatory for all children whose families are relying on welfare. That has added an additional 190,000 children who will have dental services. We've developed an interim benefit package for them to make sure they're getting the services they need, including preventive services, regular checkups, emergency exams and things of that kind, and we are continuing the consultation to finalize a new plan for later this year.

**Mr Hastings:** In other words, the changes that the ODA has criticized, that they are claiming are both detrimental and hurtful to the kids in this province, are fundamentally not true. How do these changes add to the integrity of the program?

**Hon Mrs Ecker:** As I said, what we're doing is to improve the dental services for children whose families rely on welfare. One of the things that we're doing is we're committed to the best-quality service that we can get at the most cost-effective price, and this will apply to the administration of this dental plan as well. While municipalities will continue to administer dental services for those children on Ontario Works, the province will continue to administer dental services for those children who are in families that are relying on the disability income support program.

We'll be putting that out for requests for proposals later this year. Organizations, for example, like the Ontario Dental Association, which has been providing a similar service for the province in the last 30 years, may well wish to be part of the proponents that come forward with proposals to continue this service for children who are in families who are disabled and are using disability income for their support.

## FIRE IN HAMILTON

**Mr Dominic Agostino (Hamilton East):** My question is to the Minister of the Environment. As you're aware,

after the Plastimet fire your ministry laid charges against the owners of Plastimet. Two days ago, in a court settlement without a plea entered, your ministry lawyers cut a deal with the lawyers for the owners of Plastimet that allowed the sentence for this Plastimet disaster to be 50 hours of community work and \$270,000 in restitution, for a fire that cost over \$2 million for your ministry to clean up, plus insurmountable and unimaginable damage to the residents of the community.

People are upset about this deal. Anne Buckle, a resident of the neighbourhood said, "I think it stinks like the smoke from the fire."

1510

Minister, she is right. This deal smells: no guilty plea, a backroom deal cut by your ministry lawyers with defence lawyers, without the evidence coming out in court, and frankly hanging the residents out to dry once again and showing a lack of action on your part again in dealing with the Plastimet fire.

Minister, were you aware of the deal, did you approve it and are you satisfied with the settlement that has been reached?

**Hon Norman W. Sterling (Minister of the Environment, Government House Leader):** The member opposite should know from his experience in politics and from his experience in here that it would be quite wrong for a minister of the crown to be involved in any deals which a prosecutor might undertake with any kind of defendant or be involved in any quasi-criminal trial. Therefore, I had nothing to do with any kind of deal which this particular allegation puts forward.

Quite frankly, I have read the press accounts of it, as the member opposite has. I am sorry that the residents do not consider it adequate punishment for this particular event that took place, but unfortunately our criminal law system requires people to be tried by an independent person standing away from the politicians. This is in fact the finding of the crown after the evidence was heard.

**Mr Agostino:** Minister, I find that to be an amazing answer, how you can just walk away from it, and the inconsistencies between your answer now and an answer given to a previous question by the Attorney General.

Again, it was your ministry's prosecutor, who works for you, for the Ministry of the Environment, who cut this deal. What message does that send out? The message it sends out is very clear: You are continuing this pattern of not going after polluters, not going after people who cause damage to our environment.

Charges are down 50% since you took office, prosecutions are down 50% since you took office, and your answer in the House was, "We're going after the rocks and not the pebbles when we prosecute people." Well, Minister, this was a boulder, and this boulder crushed you and crushed your ministry. This action by your ministry officials in dealing with this Plastimet fire sends out a message across Ontario that it's okay to pollute our air and our water because this minister and this government are going to roll over and play dead and bend at the mercy of environmental polluters in this province.

Minister, in view of the previous answer by the Attorney General, will you today appeal and review the decision made by your ministry officials in this case?

**Hon Mr Sterling:** I think it's evident from the information which I read from the Hamilton Spectator this morning with regard to the prosecutor who was prosecuting this particular case that their investigation showed no intent or no evidence that these people had in fact lit this fire, nor anybody who was associated with them; that in fact they were acting in accordance with a July 3 letter from the city of Hamilton fire department which allowed them to carry on their business while they were breaking the fire code, so that there was due diligence on their part.

Therefore, the case of the ministry, as I understand it, was relatively weak. The fact that they did get a conviction and got a judgement for some \$170,000 of restitution towards the ministry in terms of paying them back for their money sounded to me not bad in terms of the —

**Mr Agostino:** Are you satisfied?

**Hon Mr Sterling:** I am not satisfied with regard to what happened with regard to this fire.

*Interjections.*

**The Speaker (Hon Chris Stockwell):** Come to order. New question.

#### ELECTORAL REFORM

**Mr David Christopherson (Hamilton Centre):** My question is to the Chair of Management Board. Minister, given the fact that just two days ago you introduced Bill 36, which will make sweeping changes to the way we conduct elections in Ontario as well as finance the conducting of those elections, and given the fact that there are only two weeks left before this House rises for the summer recess and the fact that there are some recommendations in your bill which were not recommended by the commission or the ad hoc committee, and given the fact that you've set aside the democratic tradition of having all-party support before such legislation is introduced, I ask you today on behalf of my colleagues and the people of Ontario whether or not you will commit that before that bill is rammed through, you will put it out for public input and give the people of Ontario a say in the conducting of their elections.

**Hon Chris Hodgson (Chair of the Management Board of Cabinet, Minister of Northern Development and Mines):** The member of the third party knows full well that how a bill proceeds through the House is determined by the House leaders and that they negotiate these things, so I can't comment on that. But I can comment on the fact that the need for change has been identified, that we need to modernize the bill by taking advantage of a permanent voters' list, by taking recommendations from the chief electoral officer. There is a savings to the taxpayers of about \$15 million. Also, this reality has been recognized by other provinces.

We at one point in our history in the province were able to get unanimous consent, and I think that was the way to

proceed. That's why I tried to negotiate with the other parties to get it so we all agreed on the changes. Unfortunately, we have had to proceed like other provinces have had to in recent times — British Columbia, for example, and Saskatchewan — which have had to update the election laws by themselves, unilaterally so to speak, and then the opposition parties take shots at that process.

**The Speaker (Hon Chris Stockwell):** Answer.

**Hon Mr Hodgson:** I can tell you change has to be done now, according to Jack Murray, your past party president and chair of the all-party committee —

**The Speaker:** Thank you.

**Mr Christopherson:** Minister, none of that washes. The fact of the matter is that you have waited this late before you have brought in these changes, and now you want people to believe that because there is so little time between now and the next election that you have to rush them through. Then you use the argument that these recommendations were made by other bodies. Well, some of these recommendations were not made by other bodies.

The fact that you refuse to follow the democratic tradition wherein there was a negotiated, agreed-upon piece of legislation that all the parties could live with before it was introduced has left us looking at your track record. You're the government that tried to ram through Bill 26, the omnibus bully bill, where we had to hijack this place to get some decent public hearings. You rammed through a brand-new Ontario Labour Relations Act without one minute of public hearings. You changed the rules of the House unilaterally so there's no input.

Minister, the way you're going, in less than two weeks the people of Ontario will have a new set of rules for elections and the funding and raising of money for those elections that you, and you only, will have had input into. No one else will have had a say. I ask you again, at the very least will you allow a decorum of democracy and ensure that there are public hearings so the public can have a say on their own election rules?

**Hon Mr Hodgson:** You know full well that the House leaders, at their weekly meetings and at other times, negotiate the proceedings of this House. There was also full recognition, I would think, from your party that the Election Finances Act needed to be changed. That's why in 1991 you had the ad hoc committee. You had the election finances committee, with two members from your party and two members from the Liberal Party and a chair who was your past party president, which made recommendations.

They also said, in fairness to the people of Ontario, in fairness to the accountants, the political candidates and all those involved in elections, "Do this now, in lots of time before the next election, so everyone understands the rules and so it's fair to everyone and they have time to prepare."

Your party delayed for four years on this, and we have tried to get an all-party agreement. Now is the time to act on behalf of the taxpayers and all those people who participate in elections.



## ROYAL ASSENT SANCTION ROYALE

**The Speaker (Hon Chris Stockwell):** I beg to inform the House that in the name of Her Majesty the Queen, Her Honour the Lieutenant Governor was pleased to assent to certain bills in her office.

**Clerk at the Table (Mr Todd Decker):** The following are the titles of the bills to which Her Honour did assent:

Bill 6, An Act to amend the law with respect to Partnerships / Projet de loi 6, Loi visant à modifier des lois en ce qui concerne les sociétés en nom collectif.

Bill 16, An Act to give Tax Relief to Small Businesses, Charities and Others and to make other amendments respecting the Financing of Local Government and Schools / Projet de loi 16, Loi visant à alléger les impôts des petites entreprises, des organismes de bienfaisance et d'autres et à apporter d'autres modifications en ce qui a trait au financement des administrations locales et des écoles.

Bill 108, An Act to deal with the prosecution of certain provincial offences, to reduce duplication and to streamline administration / Projet de loi 108, Loi traitant des poursuites concernant certaines infractions provinciales, réduisant le double emploi et simplifiant l'administration.

## PETITIONS

### DURHAM UNIVERSITY CENTRE

**Mr Jerry J. Ouellette (Oshawa):** I have a petition to the Legislative Assembly of Ontario.

"Whereas the Durham University Centre is a co-operative effort between Durham College, York University and Trent University that provides accessible and affordable university education to the students within the region of Durham; and

"Whereas the Durham University Centre provides a pool of skills to contribute to the local economy of our local communities; and

"Whereas local businesses, students, faculty, staff, parents and local municipalities have demonstrated their support for the Durham University Centre;

"We, the undersigned, request that the Minister of Education and Training support the Durham University Centre proposal."

I affix my signature in support.

1520

### ABORTION

**Mr Joseph Spina (Brampton North):** I have a petition today from almost 1,400 parishioners of my parish of St Leonard's in Brampton.

"To the Legislative Assembly of Ontario:

"Whereas abortion is a 'lifestyle' choice which is never medically necessary; and

"Whereas the Ontario government's injunction against 18 pro-life citizens initiated by the NDP in 1993 is an unwarranted suppression of free speech and of peaceful and lawful activity; and

"Whereas health care workers are experiencing coercion to participate in procedures contrary to their consciences and unfair discrimination for acting according to their consciences;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That public funding of abortion should cease;

"That the injunction against pro-life witnessing should be dropped; and

"That the conscience rights of health care workers be given new, explicit protection in law."

I affix my signature to this.

### PROTECTION FOR HEALTH CARE WORKERS

**Mr Steve Gilchrist (Scarborough East):** Pursuant to Speaker Morin's suggestion yesterday, I'm pleased to introduce a petition addressed to the Legislative Assembly of Ontario, signed by hundreds of residents in my riding and elsewhere in Ontario.

Pursuant to standing order 38(b), I'll just say briefly that their concerns are about the ability for health care workers to have their conscience respected in the choices of the work they perform in hospitals.

I'll affix my signature to this to make it an official record of the Legislature.

### ABORTION

**Mr John O'Toole (Durham East):** I'm quite willing to give the time to the member from Scarborough, but anyway a petition to the Legislative Assembly of Ontario:

I am presenting this on behalf of the Honourable Chris Hodgson from Victoria-Haliburton. These are signatures from the Lindsay area, Scarborough, Bobcaygeon. Some names are Steve O'Neill and Scott O'Leary.

"Whereas Ontario taxpayers funded over 45,000 abortions in Ontario at an estimated cost of \$25 million; and

"Whereas pregnancy is not a disease, injury, or illness, and abortions are not therapeutic procedures; and

"Whereas the vast majority of abortions are done for reasons of convenience or finance; and

"Whereas the province has the exclusive authority to determine what services will be insured; and

"Whereas the Canada Health Act does not require funding for elective procedures; and

"Whereas there is mounting evidence that abortion is in fact hazardous to women's health;

"Therefore, we, the undersigned, petition the Legislative Assembly of Ontario to cease from providing any taxpayers' dollars for the performance of abortions."

I'm pleased to sign my name on this petition.

### CHIROPRACTIC HEALTH CARE

**Mr Bert Johnson (Perth):** I have a petition from constituents in my riding. It ends:

"Whereas the Mike Harris government has shown blatant disregard for the needs of the citizens of Ontario in restricting funding for chiropractic services;

"We, the undersigned, petition the Legislative Assembly to recognize the contribution made by chiropractors to the good health of the people of Ontario, to recognize the taxpayer dollars saved by the use of low-cost preventive care such as that provided by chiropractors and to recognize that to restrict funding for chiropractic health care only serves to limit access to a needed health care service."

I'll sign it so that it can be entered into the official record of the Legislature.

### OCCUPATIONAL HEALTH AND SAFETY

**Mr David Christopherson (Hamilton Centre):** I have a petition signed by many workers in the Toronto area. The petition reads as follows:

"To the Legislative Assembly of Ontario:

"Whereas each year in Ontario approximately 300 workers are killed on the job, several thousand die of occupational diseases and 400,000 suffer work-related injuries and illnesses; and

"Whereas during the past decade the Workers' Health and Safety Centre proved to be the most cost-effective WCB-funded prevention organization dedicated to worker health and safety concerns; and

"Whereas the WCB provides over 80% of its legislated prevention funding to several employer-controlled safety associations and less than 20% to the Workers' Health and Safety Centre; and

"Whereas the Workers' Health and Safety Centre recently lost several million dollars in funding and course revenue due to government changes to legislated training requirements; and

"Whereas 30% of Workers' Health and Safety Centre staff were laid off due to these lost training funds; and

"Whereas the Workers' Health and Safety Centre now faces an additional 25% cut to its 1998 budget, which will be used to augment new funding for employer safety associations in the health, education and services sector; and

"Whereas the WCB's 1998 planned baseline budget cuts for safety associations and the Workers' Health and Safety Centre will be disproportionately against the workers' centre and reduce its 1998 budget allocation to less than 15% of the WCB prevention funding;

"Therefore, we, the undersigned, petition the Legislative Assembly of Ontario to stop the WCB's proposed cuts and direct the WCB to increase the Workers' Health and Safety Centre's funding to at least 50% of the WCB's legislated prevention funding; and

"Further, we, the undersigned, call upon the Legislative Assembly of Ontario to direct the WCB to significantly

increase its legislated prevention funding in order to eliminate workplace illness, injury and death."

On behalf of my NDP colleagues, I proudly add my name to those petitioners' names.

### PROTECTION FOR HEALTH CARE WORKERS

**Mr John Hastings (Etobicoke-Rexdale):** I have a petition to the Legislative Assembly of Ontario. I won't read all the "whereases" because they have been read many times by other members. However, we will read one:

"Whereas the health care workers experiencing such unjust discrimination have at present no practical and accessible legal means to protect themselves;

"We, the undersigned, urge the government of Ontario to enact legislation explicitly recognizing the freedom of conscience of health care workers, prohibiting coercion of and unjust discrimination against health care workers because of their refusal to participate in matters contrary to the dictates of their consciences and establishing penalties for such coercion and unjust discrimination."

I present this petition against all the backfall of other commentary around here.

### SCHOOL SAFETY

**Mr John O'Toole (Durham East):** It's my privilege to present a petition on behalf of the member for Scarborough Centre, Mr Newman. The House should know that Mr Newman presented Bill 21 to the House in private members' hour, but for the sake of the record:

"To the Legislative Assembly of Ontario:

"Whereas all schools in Ontario should be safe learning and working environments; and

"Whereas all Ontarians should be assured that safe school programs are in place in all Ontario schools; and

"Whereas Dan Newman, MPP for Scarborough Centre, has drafted a private member's bill entitled An Act to Promote Safety in Ontario Schools and Create Positive Learning Environments for Ontario Students, 1998; and

"Whereas Mr Newman's bill was presented to the House today" —

I'm pleased to sign this petition.

### PROTECTION FOR HEALTH CARE WORKERS

**Mr Ted Chudleigh (Halton North):** I have a petition to the Legislative Assembly of Ontario.

"Whereas nurses in Ontario have experienced coercion to participate in practices which directly contravene their deeply held ethical standards; and

"Whereas pharmacists in Ontario are often pressured to dispense and/or sell chemicals and/or devices contrary to their moral or religious beliefs; and



"Whereas public health workers in Ontario are expected to assist in providing controversial services and promoting controversial materials against their consciences; and

"Whereas physicians in Ontario often experience pressure to give referrals for medications, treatments and/or procedures which they believe to be gravely immoral; and

"Whereas competent health care workers and students in various health care disciplines in Ontario have been denied training, employment, continued employment and advancement in their intended fields and suffered other forms of unjust discrimination because of the dictates of their consciences; and

"Whereas the health care workers experiencing such unjust discrimination have at present no practical and accessible legal means to protect themselves;

"We, the undersigned, urge the government of Ontario to enact legislation explicitly recognizing the freedom of conscience of health care workers, prohibiting coercion of and unjust discrimination against health care workers because of their refusal to participate in matters contrary to the dictates of their consciences and establishing penalties for such coercion and unjust discrimination."

I'm very pleased that Jesse is here to accept this petition.

1530

#### ABORTION

**Mr Steve Gilchrist (Scarborough East):** I have a petition brought in by Mr Leo Boucher in my riding. It represents hundreds of signatures from people throughout the riding of Scarborough East. Again, pursuant to standing order 38(b), this is a petition calling upon the Legislative Assembly to cease from providing any taxpayers' dollars for the performance of abortions.

I affix my signature to make this an official record of the Legislature.

#### COURT DECISION

**Mr Bert Johnson (Perth):** I'd like to present a petition to the Legislative Assembly of Ontario.

"Whereas communities strongly disagree with allowing women to go topless in public;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"To enact legislation to require women to wear tops in public places for the protection of our children, for public safety in general."

I'll sign it so it becomes an official record of the House.

#### CHIROPRACTIC HEALTH CARE

**Mr John O'Toole (Durham East):** With regard to my previous petition, I forgot to introduce Mr and Mrs Newman in the Speaker's gallery this afternoon.

**The Deputy Speaker (Ms Marilyn Churley):** Member for Durham East, take your seat for a minute. I appreciate that. It was out of order. You have to just present your petition.

**Mr O'Toole:** I apologize. After I've had my second term here I'll know those rules.

"Whereas the Ministry of Health has recently strengthened its reputation as the Ministry of Medicine through its \$1.7-billion three-year agreement with the Ontario Medical Association; and

"Whereas the Mike Harris government is restricting access to alternative cost-saving treatments for patients of the province; and

"Whereas two recent reports commissioned by the Ministry of Health called for increased OHIP funding to improve patient access to chiropractic services on the grounds of safety, effectiveness and cost-effectiveness" —

I'm pleased to sign my name to this petition.

#### COURT DECISION

**Mr Steve Gilchrist (Scarborough East):** I have another petition to the Legislature of Ontario. Again, pursuant to standing order 38(b), it's a petition signed by hundreds, in fact I think close to 500 residents, in my riding and elsewhere in Ontario, calling upon the government of Ontario to immediately enact legislation to prohibit women from being topless in public.

I'll affix my signature to make this part of the official record of the Legislature.

#### ORDERS OF THE DAY

##### RED TAPE REDUCTION ACT, 1998

##### LOI DE 1998 VISANT À RÉDUIRE LES FORMALITÉS ADMINISTRATIVES

Resuming the adjourned debate on the motion for second reading of Bill 25, An Act to reduce red tape by amending or repealing certain Acts and by enacting two new Acts / Projet de loi 25, Loi visant à réduire les formalités administratives en modifiant ou abrogeant certaines lois et en édictant deux nouvelles lois.

**Mr R. Gary Stewart (Peterborough):** It's my pleasure to continue the debate, the fact being that we closed it at 9:30 the other night. I'm pleased to be able to speak to the red tape bill, Bill 25, An Act to reduce red tape. It is an initiative that the government had in the Common Sense Revolution, it is an initiative that the Red Tape Commission is very pleased to continue on, and it is a perfect example of the promises made by this government and the promises that are being kept by this government.

One of the big things with the process that we're going through on red tape is the red tape consultation that's going on with people from all around Ontario. There have been hundreds and hundreds of hours spent to try and

resolve the issues and impose solutions that will make it easier to create jobs and to better the economy in this province.

There's not a person in this House who has either been in business or indeed been in some level of politics, be they municipal, who has not got involved with red tape over the last many years, red tape that has slowed down the economy, has slowed down development and has —

**Mr Bud Wildman (Algoma):** On a point of order, Madam Speaker: Could you check to see whether there is a quorum present?

**The Deputy Speaker (Ms Marilyn Churley):** Could you check and see if there is a quorum, please.

**Clerk Assistant (Ms Deborah Deller):** A quorum is not present, Speaker.

*The Deputy Speaker ordered the bells rung.*

**Clerk Assistant:** A quorum is now present, Speaker.

**The Deputy Speaker:** The member for Peterborough.

**Mr Stewart:** As I mentioned, many hours have been spent on consultation and listening to the people of the province to identify problems and to identify solutions. That is one of the keys to find and implement solutions and to design a process to make sure that new red tape is not being created. There is no sense cutting red tape if indeed the bureaucracy and the government of the day continue to create more, a perfect example being the previous government, where in the last year they sat some 10, 15 or 18 days and did everything by regulation, which creates more red tape.

What we have done in the Red Tape Commission, and this bill proves it, is develop, coordinate and implement the regulatory impact and competitive test. That is the key to it. As I mentioned, there is no sense cutting if you are going to create more. Every time a bill or an act comes into effect, one must make sure that it is not creating new barriers to job creation and that what it does do is make for better government.

Also, we have to make sure that outdated regulations are gone. There are references to this act that are showing — one I can think of is from the Ministry of Agriculture, where they are looking at the Sheep and Wool Marketing Act. This act is being repealed. It has been redundant since the establishment of the Ontario Sheep Marketing Agency in 1985. There is a regulation or a red tape issue, which has been on the books since 1985, that was not needed and not required whatsoever.

We also have to make sure that the delays in the process and the procedures that we have to do to conduct the business of government, and I emphasize the words "business of government," and more importantly to improve customer service not only by government officials but by government itself — we must make sure we continue to consult the public and indeed the business sector. We must challenge all members of government, the business community and the public to participate in this process. That is most important. Those folks who are involved in knowing what red tape is doing to the economy, what red tape is doing to business, must be able to assist us and help us to design a process that is

workable and, again, does not impede the creation of jobs in the economy.

If you look at this bill, there is a recurring theme throughout the whole bill. I want to read just a couple sections of it. That recurring theme is the commitment, through this bill, of this government to make sure that customer service is in the forefront.

I read, under the Ministry of the Attorney General section of this act, that the general purpose of the amendments is to improve customer service, improve administrative efficiency, improve access to the justice system and reduce costs for the public and the government. That, ladies and gentlemen, is one of the keys to reducing costs to the public and indeed to the government, because the government's costs are indeed the costs of the people.

Under the agriculture section, as I mentioned, the Sheep and Wool Marketing Act will be gone. Under the Tile Drainage Act, for many of you who are not from rural communities, the bylaws will no longer need to be registered in the local registry office. Why would they, when the municipalities are approving them?

Under the Ministry of Natural Resources, changes are designed to improve delivery of MNR's mandate to its clients, and that affects many things: water management, land management, surveys etc. Another one they have suggested is to clarify the powers of park wardens and conservation officers, to make sure the people know exactly what they're doing without getting bogged down in red tape, without having roadblocks put in front of them that they can't get over to continue to do business. Under the Ministry of Energy, it's suggesting such methods may prove incentives for utilities to operate more efficiently.

The bottom line of this bill is reducing red tape to create jobs, to improve this economy and to make this province a better place to live, work and to continue to do business in a reasonable fashion.

1540

**The Deputy Speaker:** Questions or comments?

**Mr David Caplan (Oriole):** I'm pleased to comment on my colleague's remarks. I was really struck by his comment that a cost to the government is a cost to the people, or words to that effect. I received an interesting piece of literature at my door from the government, which really is purely political, partisan literature going to the doors, paid for by the taxpayers of Ontario. We have the Progressive Conservative government, the Mike Harris government, using those same taxpayer dollars that my very good friend has concerns about in the way they're spent, sending out a message of this nature. This is not the first time this government has done this.

It sets up this boondoggle, this Ontario Jobs and Investment Board, at a cost of hundreds of thousands of dollars to taxpayers, and puts David Lindsay, the Premier's principal secretary, his adviser and a key strategist in the Conservative government, at its head, and then uses that as the vehicle to send out other kinds of political, partisan advertising propaganda, all at taxpayers' expense. I know my very good friend and colleague from Peterborough will want to stand up and say that he thinks the



Progressive Conservative Party should reimburse the taxpayers of Ontario for this cheap political propaganda that is arriving at the doors of all Ontario taxpayers.

I know that all the government members are ashamed and embarrassed at the utter waste of taxpayer dollars. I know they too feel how inappropriate these kinds of expenditures are in the way taxpayer dollars are being used. They share my sentiments, and I know they will do the right thing and reimburse Ontario taxpayers.

**Mr Gilles Pouliot (Lake Nipigon):** It isn't often, by virtue of the agenda, by virtue of the assault, that I can commend one of my colleagues opposite, but the member for Peterborough not only really believes but is very well versed in and articulated the attempt of the government to change just about anything. He did a commendable job under the circumstances. It's not easy.

I would be remiss if I did not mention, for I saw the pain in their faces, the civil service, the people who the Common Sense Revolution has commandeered to deliver over 40 changes. They call it a red tape bill. When we hear "red tape," we think of excesses, of the marketplace being impacted by virtue of being slowed down or bogged down. But this government, this revolution, has ulterior motives. The devil is in the details; it's done in the regulations. What they have done is give power to a few people, not always elected. They could become mandarins in the deciding factor. No more consultations, or less consultation. Those people will rule by decree, because they've been given the right to do so by a government, a revolution, which is in a hurry.

Let's look at it. The Crown Forest Sustainability Act is amended, the Forest Fires Prevention Act, the Forestry Act — over 40 acts are amended. And beware: When the regulations hit the road, they will give life to these enormous changes. I wish the people of Ontario quite well, because it's a difficult situation.

**Mr John Hastings (Etobicoke-Rexdale):** It's absolutely bizarre to hear the member for Oriole commenting on the Ontario Jobs and Investment Board information that was sent out. It was a previous government, of which the predecessor who occupied the seat for Oriole was a member, that certainly engaged, in the Peterson years, in some rather fanciful information, if we could use that phrase, projecting the virtues of the Peterson government. It would be nice to hear the present member for Oriole stand and make some comments about how that was any different from what we have been doing in terms of dealing with jobs and investment. It would also be very interesting to know how the practices of his federal brethren in Ottawa differ fundamentally in this area. To put the spin on it from that particular viewpoint is rather minor and rather irrelevant.

I would hope he would stand up and deal with the substance of Bill 25, and tell us what he doesn't like about, for example, the Consumer Protection Act or the Consumer Reporting Act or any of the other specific items in Bill 25, particularly the Limited Partnerships Act, which specifically does away with the regulation-making powers in the act with respect to fees and allows the

minister to approve fees, which is a pretty conventional approach in a democratic government today.

It would be interesting to hear what the opposition has in terms of alternatives, if they don't like the idea of a red tape reduction bill. Would they go the other way and keep the status quo, which they seem to be very good and very adept at defending over the years? That's what led us to the particular problem that the member for Peterborough cited, with the sheep act as an example.

**Mr Bruce Crozier (Essex South):** I don't mind them getting rid of the sheep act, because I understand it was baa-a-d legislation anyway.

I've heard the words "spinning" and "waste of money" from two of the government members. I'm inclined to agree with you; I don't agree with spinning and waste of money. Yet we were given, a couple of days ago, a several-hundred-page Report to the Ontario Casino Corp on Certain Allegations Respecting Coopers and Lybrand and the Selection Process for the Niagara Falls Casino/Gateway Project. Talk about a waste of money. I can't imagine, frankly, since I'm not a lawyer, what this report must have cost. Had the process been level in the first place, it wouldn't even have been necessary. Had the third-place finisher in the process not been declared the winner, this report wouldn't even be necessary.

The strange thing when they talk about spinning is that this spin tops it all. It's a letter from the solicitors, referring to a June 1 letter from Michele Noble requesting legal counsel to the Ontario Casino Corp to investigate the report on certain allegations contained and articles published in the Toronto Star respecting an adviser to the Ontario Casino Corp.

My colleague from Welland pointed out today how even according to this letter, where it says, "Privileged and Confidential," when you're a lawyer for someone, you're there to protect them. This certainly is an example of red tape and wasted money.

**The Deputy Speaker:** The member for Peterborough has two minutes to respond.

1550

**Mr Stewart:** I thank the members for some of their comments. I want to clarify one thing. The cost to the people is a concern I have and the cost to this government is a concern I have, and I would suggest that every member of this House should have the same concern. I appreciate that under the government of the gentleman from Oriole — certainly they talk about waste of money. They must have wasted a ton of it, because they had to raise taxes 35 times. The previous government had to do the same thing. What we are trying to do is suggest that we get a way to be a little bit more responsive and efficient and accountable.

I would suggest that the members read this bill, because if you're so badly against it, are you then against the ability for us to make some changes to put funds to renew crown forests? Are you against that? Are you against the ability to respond quickly in case of a forest fire? Are you against that?

I suggest to the members that instead of bringing in things about the proposed new Election Act and the

charity casinos or the casino in Niagara Falls, they talk about this act. That's part of the red tape we go through. We can't talk about the things we should be paying attention to, and that is why I am extremely supportive of this bill. I am very supportive of jobs. I am very supportive of the economy. I am very supportive of looking and making sure the funds in this province are spent well and the costs to the people of this province are not out of line.

That's what I am involved with, that's what this bill is involved with, and I suggest that the rest of the members in this House should consider the same thing.

**The Deputy Speaker:** Further debate?

**Mr Gerard Kennedy (York South):** It is a pleasure to rise and speak to some of the dilatory action of this government in bringing forward their urgent red tape bills, the red tape bills that found their origin back in I believe June 1996 when the government said it would address aggressively cutting red tape. Of course the government itself has become enmeshed in red tape and hasn't been able to pass these bills for lo, that long period of time.

We recognize that this is a government that has a hard time doing things properly. It certainly has shown that in a lot of different areas. We've seen now in education, in health care, where they've worked hard to create a crisis and then got caught up in it themselves. We see, for example, the recent municipal bill where the government is now I think in its fourth version and something like three or four times the length of the original bill in the first place to try to fix the morass it created in property tax for small business owners and for others. In fact, when it comes to health care there is certainly no distinction and no difference in what they're trying to accomplish in the sense that it's really not consequential, it's not germane to the real business of the province at hand.

It gives us some clues about this bumbling government. It gives us some idea about what they'd rather have us concentrate on, this slow boat to Panama they took with their red tape express, bringing us these bills some two or three years later, saying they're going to improve the quality of life in this province. I think there are people out there who wonder if any bill this government passes could have those qualities. But certainly, if this is the one to do it, it has taken its sweet time getting here.

When we talk about the health elements of it, we see that the government is identifying to us some of the places they've really omitted in terms of dealing with their consequential responsibility, the whole idea they should have had, in taking government in the first place, to do a good job in government rather than finding themselves in public relations manoeuvres which this largely is, having to do with bills that in some cases confer advantages where they shouldn't be and in some cases tidy up things that don't really deal with the matters at hand.

For example, we have some regulations to help regulatory colleges that look after health professions, to help them do some of their work. These urgent requirements have been sitting around since June 1996. Those urgent requirements are supposed to let them deal with nuisance complaints and do some of their things. Yet the

really consequential business, the thing you'd want the Harris government to really be looking after when it comes to the colleges that look after health professions, is elsewhere.

The government declined to deal with, for example, what the Ombudsman had to tell us last week, that if you have a problem as a consumer, as a patient, with doctors, with nurses, with nurse practitioners, with chiropractors, with any of the people who make up the health professions, with those few cases where you're going to have service that doesn't help you or in some cases harms you, who is looking after you?

It is supposed to be something called the health professions appeal board, only we learned from the Ombudsman that it is such a slow process as to be completely unacceptable. So instead of finding a responsiveness on the part of the regulatory bodies that this government is responsible for, we find a complete lack of responsibility taking. It certainly is very consistent that we have an appeal board that takes years for average people to get into.

We heard last week that there are problems in some of our regulatory colleges that at least need addressing. It wasn't words from the opposition, but rather a young woman and her husband, Georgina and James Hunter, who wanted to call on this government to look after them, to do the job that should have been done in terms of dealing with regulatory colleges. They lost their young daughter Madeleine some two years ago because they weren't able to get responsiveness from the health system. In those small number of cases where it happens, it's extremely important that we have a system, and a government that oversees that system, that can be responsive. Unfortunately, Madeleine Hunter, at least the memory of Madeleine, and her parents have been failed by that system. They feel very strongly that they've been let down.

This government has been called upon to investigate how the college operates in terms of that part of its duty, the part dealing with complaints, which, if you look at the records of the college, in many cases take one to two to three years to be dealt with. That's simply not acceptable. It simply reflects a lack of will on someone's part. It could be the cuts this government has made to the college, and it ultimately becomes the responsibility of this government to see that the college is able to do its job, not just in a timely fashion but ultimately in a fair fashion.

What we have in front of us today are some niggling rules. The government is proposing to change the powers of the colleges but not going to the heart of the matter, as to whether we have the correct level of responsiveness to protect patients.

Again, we just have to refer to what the Ombudsman told us last week, that we have no means in this province, under Mike Harris, of protecting patients in hospitals. There isn't somebody in place to deal with hospitals and, more important, to deal with patients, their complaints, their concerns and the injuries that could be done. They have no place to go in Mike Harris's Ontario.



What the Ombudsman, who's an independent person, told the government and told us in this House — and it's an extremely important voice for us to listen to because it's there to remind us when there is a falling down on the part of the operation of government — is that, because of the cutbacks and the changes that have been made in hospitals, we need now to have some form of protection for patients, either a separate Ombudsman or some other office created; otherwise, a great risk exists for patients not to be dealt with.

Certainly that is what we have been presenting through the House. We've been forced to take cases of people who have not been able to get their concerns and their needs dealt with to this House, to this Legislature, because there isn't something more human, more personal, more local and more effective in place right in those hospitals and right in those locations where the services are rendered.

Unfortunately, that isn't a preoccupation or even a mild concern of this government. This government has done everything to create bigger and bigger institutions and hasn't focused on listening to people in their local community, being able to provide a reasonable level of quality.

Today we took a close look at the substantive issues that this government should have been dealing with in one of the health professions; in this case, nursing. We learned, to the shock of many, that in this province, the wealthiest one in the country, we have fewer registered nurses per person than any other province or territory. When Ontario has fewer registered nurses caring for its sick than the Northwest Territories, then we know the wrong government is in charge, because it's a government obviously unconcerned, not bothered, not even troubled with what should happen to patients when it drives nurses out of this province.

We talked briefly about a young woman named Kim West who graduated with a lot of hope from nursing college in 1991. She is a registered nurse with training in the emergency room, which is sought after, or should be sought after, in this province with the amount of bungling that we've had in that area. She also has critical care background. For seven years she's been trying to find work. She had at least full-time hours in the last few years. Those were taken away at the South Muskoka hospital as the government cut \$787,000, or 7%, of that hospital's budget.

Sometimes this government will try — in fact its main method of operation is to shrug these things away and say, "It wasn't our government." It was this government that cut \$787,000 and caused hospitals to fire nurses in record numbers in this province.

That is the kind of attention that should be paid to the regulated professions in this province. Instead, we have this government taking up the time of this House with these urgent three-year-old rules that they say will somehow improve the quality of life. In fact, in Bracebridge I'm pretty sure that the people would rather have had Kim West working full-time in their emergency room, providing better service than this government is prepared to provide. Instead, she had to move to British Columbia.

She did that two weeks ago. She did that paid for by the hospital that's employing her. She's now getting training.

**1600**

Earlier today, we tried to gauge the interest of this government and say: "What is your ability, what is your capacity to listen to people who are having this kind of difficulty? We want to tell you their real world situations." The minister declined to call Kim West and explain to her why in Mike Harris's Ontario there's no room for an adequate number of nurses. Instead this government aspires, and is proud of is some respects, because it proves that through its actions, to have the worst record for the availability of nurses to patients in the whole country. It has driven us there.

You see that the number of people who are re-registering with the college has gone down. We've had over a 138% increase in the number of people choosing not to register as nurses because they're discouraged. They've seen what Mike Harris has done to their workplace. Some of them have been fired. Many of them simply look at the kind of conditions, the kind of factory mentality, this 20-year-old business principle that this government tries to run on, that they're going to move our hospitals into being factories. In that factory we'll have just-in-time nursing. Someone will have them hanging up in a closet somewhere and they'll come running in just when they're needed. What that means is that for the first time we almost have a majority of nurses working part-time and casual, and not full-time. That's Mike Harris's Ontario.

Those are the issues Mike Harris refuses to deal with because they aren't the kind of things he's concerned with. We've not heard from the member representing Bracebridge, from any of the members in this House, any concern expressed on the plight of nurses, and through nurses, the plight of their patients. We've yet to hear that.

We raised situations as long as two years ago, dealing with people in Peterborough and how Ed Whitehill died in the emergency room, discovered by his daughter, not through the fault of the nurses, but rather the fault of the system that would cut the amount of money available to the Peterborough Civic Hospital.

**Mr Frank Sheehan (Lincoln):** On a point of order, Madam Speaker: Can you ask the member to get back on the subject, please.

**The Deputy Speaker:** I think he does have a point there. We're debating the red tape bill.

**Mr Pouliot:** On a point of order, Madam Speaker: Perhaps the member would be encouraged to get back on the subject quicker if the Conservatives would be kind enough to supply us with a quorum. Quorum call, please.

**The Deputy Speaker:** Clerk, could you check and see if there's a quorum.

**Clerk Assistant:** A quorum is not present, Speaker.

*The Deputy Speaker ordered the bells rung.*

**Clerk Assistant:** A quorum is now present, Speaker.

**The Deputy Speaker:** The member for York South.

**Mr Kennedy:** Thank you, Madam Speaker. I'm sorry to learn that some of the message before was disturbing to

the members opposite. It's actually interesting to see any expression of concern.

It is germane. We're talking about changes to the power of the colleges that look after the state of nursing in this province. They're meant to protect the public. The corollary of that is that the government is also meant to protect the public. We're talking about essentially the same subject here: what the government should have included in this bill if it was concerned around the ability of the colleges and fundamentally the safety of the public.

Having a low number of nurses in this province, and I'm not sure if you caught it before, but it's actually the lowest number of nurses anywhere in the country, including the Northwest Territories. We actually have fewer nurses per population than the Northwest Territories, courtesy of Mike Harris and his government.

We actually have an incredible lack on the part of this government of even acknowledgement of their responsibilities, so when it comes time to judge their legislation that might purport to make improvements, we have to measure it against that standard of whether patients really are protected in this province or whether this is a government that has once again abdicated some of the most fundamental expectations that people have out there, that a government will at all costs provide for their wellbeing, will provide for some basic level of health care.

You can't do that in hospitals or in home care or in any of those places without registered nurses who are adequately trained to provide the services. Unfortunately, what we know now is that this government doesn't agree. It certainly didn't provide any additional powers to the colleges, which it should and could have done, to be able to make sure the public was protected. That needs to be done.

The Ombudsman has told us we have to have some means of protecting the patients. Sick people need protection in Mike Harris's Ontario. That's what the Ombudsman told us. We need an Ombudsman for hospitals simply because there have been so many random cuts, thoughtless, reckless things happen in this province that the colleges or an Ombudsman or some other independent means have to do that.

We've seen earlier today and earlier in the week the kind of abdication that is a current running through this government. When it comes to the lottery corporation and there's conflict of interest they have to contend with, they ask the lottery corporation to investigate itself. Obviously the public interest can't be protected when we have a government so afraid of scrutiny that it can't even look into those kinds of matters.

When we wonder about the kinds of things the colleges are going to be asked to do here, we really have to refer back to the fact that the primary responsibility for patient safety — not just because the government didn't change the rules but because that's where it belongs in the first place — is with this government.

Each time people encounter those waiting lists for their surgeries, that wait in the emergency room — hopefully not one of those many patients now numbering in the

hundreds and maybe even in the thousands each day who are determined as sick and find themselves staring up at the lights in emergency room hallways simply because this government doesn't really care about giving them the care that they want. They have an opportunity to do that, of course. They could make adjustments to this bill. They could put funding into nursing but they've decided not to do that. For whatever fundamental reason, the government has decided not to do that.

We look at another part of this bill that says they're going to streamline the acquisition process for CAT scanners and MRIs, magnetic resonance imaging machines. In that part of the red tape bill it allows the minister to designate hospitals. What really matters here is not just that the government be able to designate hospitals; there should be a requirement in the bill that if the government is going to take that kind of power, if it's going to be able to tell hospitals they have to have machines, then the government should be required to fund them. This is the sad story in Ontario today for those of you who live in communities and think you're getting additional diagnostic capacity. What you're actually getting is at least in part a headache.

**The Deputy Speaker:** Point of order, member for Peterborough.

**Mr Stewart:** He should speak to the bill. There is nothing in that about MRIs whatsoever. If he doesn't know anything about the bill, then he should sit down.

**The Deputy Speaker:** Thank you. Take your seat, please.

**Mr James J. Bradley (St Catharines):** Pay attention. It is in the bill.

**The Deputy Speaker:** Order, member for St Catharines. In fact, I was listening carefully to the member and he was talking to the bill. Continue.

**Mr Kennedy:** Thank you, Madam Speaker. As always, we can depend on your authority when sometimes there are members whose attention perhaps is remiss and didn't realize this is schedule G, dealing with the changes in regulatory powers. The member for Peterborough should be very concerned because that's exactly the kind of omission that has been conspicuous in this House. We can't have members who aren't looking after the facts for their local communities.

For example, MRIs are supposed to be put in place in various parts of this province. There is a requirement for MRIs. This bill says give the power to the government to designate that, but what it doesn't do is require the government to pay for the MRIs in the first place.

Once again we find that we rank on the bottom of all the provinces in terms of providing funding for MRIs. Even New Brunswick gives hospitals more money to run their MRIs; \$160,000 per year, not even the cost of lights and power, the hospitals tell us, is what the Ontario government of Mike Harris will give to run this very important diagnostic equipment. Even in New Brunswick they provide \$680,000.

I put to you, it should be in the bill. If the government wants to take the political credit for MRIs, which are paid



for by community dollars and then they have to be operated by the hospital, which has to find savings elsewhere, probably by firing nurses or laying them off or putting them on casual and part-time and not having them there in the wards, if that's this government's policy, then we should be changing it because they really should be required to pay for the MRIs that they want to take political credit for.

**1610**

Two and three years ago this government, in a related measure, said there would be more MRIs in this province. They haven't been built, and it's mainly because the government won't provide the operating funds. They talk big in this bill. They say that there's going to be some way of them designating. Designating doesn't mean anything unless it's paid for. So we understand the disturbance from the members opposite, because it really is problematic — and that they look at the kinds of powers the minister is using and understand that to the people in their communities, this is actually hurting them — to be able to pretend that somehow the MRI is going to be there to help them.

We look at some of the other things here. Giving the minister the power to establish a list of hospitals and their classifications is something we need to look at. Under the Public Hospitals Act, people may not be aware, but the current rules of the Public Hospitals Act allow the Minister of Health to make decisions in any hospital. So if there are people in any community wondering: "Why is my hospital closing; why is my hospital being shut down; why are they losing services; why are they taking things away from us?" it's the Minister of Health who has that power under the Public Hospitals Act. So when in the bill they're asking for other acts to be updated, to be able to update the classifications, it's very important that it not be done in the dilatory fashion we've seen here. Somebody needs to take responsibility. The government tries from time to time to pretend that there's a commission out there that's closing hospitals. In fact, it's the minister, the cabinet and this government that retain all the regulatory responsibility.

We're reminded with this. We're reminded, when the government goes again to enhance its powers, that it's the government which is responsible, which could change overnight — the condition and the status of any of the hospitals in Ontario could be rectified by a Minister of Health and by the Premier. But the condition for that would be a government that doesn't concern itself with some of the administria that it has waited three years to bring before this House. Instead, it would take a government concerned with some of the things that these resolutions, that these kinds of changes remind us of and are directly connected to, which is the primary responsibility of this government, to provide good health care.

For a variety of reasons the members of this House are unprepared, on the government side, to stand up and speak for one-tier health care. There doesn't seem to be a single person on the opposite side of the House who is prepared

to say to their communities, "We will stand up and make sure you have high-quality, publicly funded, publicly administered, publicly managed health care and we'll make sure that you'll get it." So seniors across the province have every right to be concerned that this government ultimately doesn't care enough for their health, for the health of the providers and the wellbeing of the people who provide for them.

**The Deputy Speaker:** Questions and comments?

**Mr Pouliot:** It's always a pleasure to listen to the member for York South. It's most unfortunate, however, that whenever the Liberal or Conservative members of this House stand up to debate an issue, it seems to invite the worst in terms of decorum. I hear many interruptions, I hear people interjecting, and this is most unfortunate. It's almost like a family quarrel. There are people watching this and they're paying, they're footing the bill for this kind of disorder. I find it at times appalling and offensive indeed.

We, with the New Democrats, stick with the very issues confronting us, that we're presented with, that of Bill 25. Bill 25 unfortunately gives the ministers the power to establish user fees. Consequently, when you're impacting on 40 different acts, one could expect as a consumer that every small service the bill amends you'll be paying for at the municipal level, at the consumer level. The minister will not be able to resist. Yet we remember only too well, only too vividly that Premier Harris, during the last election campaign when he was selling the Common Sense Revolution, said to Ontarians, "Mike Harris the Taxfighter will not impose any new taxes." Then he referred to user fees as being an additional tax. So it's not a promise kept, it's a promise broken. There's a litany of them. It's a lament. There are many opportunities under Bill 25, so instead of interjecting, instead of fighting like cats and dogs, people should refer to the bill.

**Hon Margaret Marland (Minister without Portfolio [children's issues]):** One of the really interesting aspects of having the privilege to stand in this House is to particularly follow my friend from Lake Nipigon, since he and I have the same longevity in this place. But because he's much older than I am, he's not going to run again, he's not seeking re-election.

**Mr Pouliot:** Resign, Margaret.

**Hon Mrs Marland:** Member for Lake Nipigon, I'm actually addressing you. I want you to appreciate what I am about to say because the history that you and I share in this place is, if I may say on a personal basis, something that I've particularly always enjoyed. Since you have now proclaimed publicly that you're not running again, I just said it's probably because you're much older than I am. You are one person in this place I am going to personally miss a great deal, and in fact there have been a number of us who have made the same comment, that we regret you're not running again, because we're going to miss your debate, your contribution, immensely.

Having said that, when you talk about decorum in this place, we actually saw a display of decorum earlier this week in this place where these 105-year-old desks, which

most of us cherish tremendously, were pounded by fists and the desk lids were jumping up and down. I don't mind people disagreeing with us — when people disagree with us, that's their option — but don't destroy our furniture. I did notice that the member for Lake Nipigon was not pounding his desk that day. I took great pride in the fact that you were not and I appreciate that very much.

**The Deputy Speaker:** Before we move on — I was very lenient with the member for Mississauga South — I want to remind members that they're supposed to be using these two minutes to respond to the previous speaker.

**Mr Bradley:** If the truth be known, the member for Lake Nipigon had a sprained hand and was unable to use it that day. That's not really true. He was not.

I want to comment on the excellent address by the member for York South, who zeroed in on one aspect of the bill, specifically schedule 26, that apparently some of the government members don't know is in the bill — I'll have to tell Guy Giorno to put a note in talking about schedule 26 — because it reminded me, and the member was talking about this in his speech, that Mike Harris had made a promise during the 1995 election campaign during the leaders' debate. When he was asked by Robert Fisher of Global TV, one of the panellists, "Will your health care policy result in the closing of any hospitals?" Mike Harris — most people in the province wanted to believe the person speaking at that time — said, "Certainly I can guarantee you, Robert, it is not my plan to close hospitals." We now have 35 hospitals closed or forced to merge in this province despite the promise of the Premier.

I know the member wanted to make reference to that. He also made reference, I think most appropriately, to the operating costs of specialized equipment and how it's important that when hospitals are assigned the responsibility and privilege of having an MRI or a CAT scan machine they should have the funds to operate it, because very often they're operating that equipment not only for that hospital itself but for surrounding —

#### *Interjection.*

**Mr Bradley:** Exactly — for everybody in the surrounding area. So it seems to me a good idea, as the member for York South, Mr Kennedy, has suggested, that appropriate funding be provided for the operation of that. I must say at the end that I now have counted 324 tax increases by the Conservative government, because "A user fee is a tax," said Mike Harris.

**Ms Frances Lankin (Beaches-Woodbine):** I'm pleased to respond to the member's presentation on this bill. I found it interesting, as he was speaking at great length with respect to schedule G and a couple of other sections of the bill, that many of the government members were interrupting on points of order and saying, "Madam Speaker, make him speak to the bill." It really made me wonder at the depth of understanding and knowledge among some members with respect to what is actually in the bill. This is a very large bill. Take a look at it here. The sections that are attached cover many areas and, quite frankly, they're not all red tape. I find the name of the bill quite offensive. There are some things in here that you would want to ask questions on.

#### **1620**

I'd be interested in knowing from government members why, for example, in a number of sections the bill seeks to amend other pieces of legislation that refer to hospitals as set out under the Public Hospitals Act. It deletes that reference and says instead they'll be referred to as hospitals set out by the Ministry of Health. That could be very positive.

It could be that for certain provisions of the bill, like pay equity, and that's one of the sections that addresses this, it means the government intends to set out a list and designate other institutions, in addition to those that are normally recognized under the Public Hospitals Act, as hospitals for the purpose of application of pay equity laws in Ontario. That would be very good. It might, however, mean the exact opposite, that the list that is set out by the Ministry of Health for the provision of pay equity in institutions normally thought of as hospitals would be fewer than what is set out under the Public Hospitals Act. I don't attribute that motive to the government; it's not clear from the legislation.

Again, here is a bill that they want to just move through quickly. The oddity of short bills going out for public hearings and bills like this not is passing strange.

**The Deputy Speaker:** The member for York South.

**Mr Kennedy:** I'd just like to continue some of the good points that were made by the member for Beaches-Woodbine. I'd also like to thank the members for Lake Nipigon and Mississauga South and of course the estimable member for St Catharines for commenting on the bill and the process. Part of that is disturbing. We talk about a very large bill that has been around for three years. This has been churned up in Mike Harris's mucked-up government, as we've seen a lot of other things happen that way, for three years. It comes to the House and we have not one but several members of the government object to things being discussed that are actually in the bill, that are actually in schedule G of the bill, making reasonably important changes to the regulation of professions in this province, to which they are meant to be responsible parties as members of the government overseeing the operation of those colleges. Instead we have, worse than a shrug, as the member opposite indicates, the objection to full discussion of the implications of these things. Of course, it does give pause. We do wonder, whether it is slow-as-molasses red tape responses that are tied up in their own red tape or, whatever the heading is, whether the government may be up to something that isn't in the public interest.

I noticed from the members' reactions that they adequately received the point of the earlier intervention I made, which is that there are many more fundamental things in health care which could have been addressed in this bill: more access to MRIs, a better means of protecting the public. But for reasons known alone to this government, and maybe only to a few people in this government, because we understand that many people aren't really part of the decision-making, aren't able to look after their own community's interests — that they would have done so.



I think the thrust of the red tape bill is to tell us that there's a whole bunch of housekeeping this government is doing in a whole lot of areas that we need to pay attention to. We need to be able to compel this government to look after the real business of the Legislature.

**Ms Lankin:** On a point of order, Madam Speaker: Would you ascertain whether or not there is a quorum present.

**The Deputy Speaker:** Clerk, could you check and see if there's a quorum, please.

**Clerk at the Table (Mr Todd Decker):** A quorum is not present, Speaker.

*The Deputy Speaker ordered the bells rung.*

**Clerk at the Table:** A quorum is now present, Speaker.

**The Deputy Speaker:** Further debate?

**Mr Pouliot:** Madam Speaker, if you will allow me perhaps a small departure from form, I want to thank the member from Mississauga for her kind remarks. I too have enjoyed working with the member over the more than 13 years, and I will certainly miss her contribution, certainly her friendship, good counsel and advice from time to time — although I must admit, of course, readily so, obviously so, that she is a sage of many, many years younger than the member for Lake Nipigon.

The member for Algoma, our House leader, and also our Chair of committee, the member for Beaches-Woodbine, will also be participating in the debate and will add some insight about why we have some serious concerns about what is viewed as a red tape bill. But first, we are not in disagreement with every aspect, every amendment, every presentation in this bill, even if it means that some dead issues that go back to the previous session have been brought forth, have been resurrected, have been added to the bill.

We, as New Democrats, are the first to advocate that if you can make things simpler, if you can least interfere with the marketplace, if you can encourage an action directe kind of attitude, if you can get from point A to point B without jeopardizing the integrity or the heart of an issue, as a legislator you must be compelled, you must do all within your power to do so. So we readily acquiesce and we don't have any quarrel with some parts of the bill.

Most unfortunately, when you fill the legislative envelope with so many — in this case over 40 — you're not going to come up rolling 7 or 11 every roll of the dice; you will miss sometimes. In this case, when you look at the don't-pass line, the number exceeds the successful rolls. For instance, it repeals the policy and priorities board of cabinet. In parliamentary jargon or parlance, it's the P and P. You have members of Parliament, you have a government, you have a cabinet and then you have supposedly the confidantes, the most powerful cabinet ministers. It's a tug of war between them and the Premier's office to see who controls things, and there's not always reciprocity, but I think it's overweighted in the Premier's office and the whiz kids in that office in this case. By repealing the policy and priorities board of cabinet, it gives more power to the whiz kids, this

ensemble of young grey eminences who are to decide and rule on the policies of the government.

I could name some names, but I could not match a face to the name, because you don't see them; they're in the back room. They go back to the Premier and the Premier goes to cabinet, and then you have the majority members, the backbenchers, the spear carriers, members of the brigade. They come here and, on cue, they vote on all these things. That's our system. It's a constitutional monarchy.

Then you have the opposition. The structure is such that it invites confrontation, except that traditionally New Democrats are not very good at confrontation. They're better at consultation and getting along and scrutinizing a bill and seeing if there is anything we can agree with, not whether there is anything, as opposition members, that we must disagree with. Ours is not one to unseat the government; ours is one for the benefit of all Ontarians, not only because they're paying for all this but because all Ontarians have to live with the legislation.

The government is consistent. There is no deviation in terms of a mass of documents and legislation. They're truly revolutionaries. More than 40 bills are being amended. Wouldn't it be simpler to go piecemeal? Some of them can wait; I mean, they've been there dormant, if not extinct. But the government likes to stir things up, so they throw everything into that bag: the good, the nebulous, the nuanced. Everything goes into it.

1630

Perhaps if you throw so much at the opposition you will confuse them. They will be hesitant and they won't understand what the bill is. It's just not our style to let things go. We pride ourselves on being avid readers. We're prolific when it comes to reading what the government puts in front of us. We must admit that with a limited number of members, and therefore resources, it is difficult to scrutinize so much.

**Mr Wildman:** On a point of order, Madam Speaker: I hate to interrupt my friend from Lake Nipigon, but after the eloquent congratulatory remarks from the member for Mississauga South, I thought it was only appropriate there be enough members in the House to hear my friend. Is there a quorum present?

**The Deputy Speaker:** Clerk, is there a quorum?

**Clerk at the Table:** A quorum is not present, Speaker.

*The Deputy Speaker ordered the bells rung.*

**Clerk at the Table:** A quorum is now present, Speaker.

**The Acting Speaker (Mr Bert Johnson):** The Chair recognizes the member for Lake Nipigon.

**Mr Pouliot:** While we were awaiting the arrival of government members to fulfil the standing order, I perused, and I have with me, the standing orders of the Legislative Assembly of Ontario. I need your help to refresh my memory, Mr Speaker. The standing orders refer to the tradition, the responsibility — to quote verbatim from the page referring to quorum: "It is the responsibility of the government to ensure that 20 members are present when the House is in session."

**The Acting Speaker:** Could you bring it to me so I could read it for myself? That would be fine.

**Mr Pouliot:** You will indeed, sir. It's standing order 23(b), among others; there are others that follow suit and give it the credence.

More important, I find it quite difficult to believe that on this Thursday afternoon — I mean, the markets are closed; they close at 4:30 — we would not have, out of 82 members, a quorum present at all times. But that's another issue indeed.

The policy and priorities board: in the ditch, eliminated. It's gone some place, replaced by more power to the whiz kids one more time, those ill-fated decision-makers professing to know the needs of the province of Ontario and to associate legislation and regulations to recognize those needs.

This will not happen. That's not the way the world works. People are not opposed to change. We want changes; we're ready to help the government in drafting and implementing changes and monitoring changes. But there again, you have so many changes, so many pieces of legislation that are drafted in error because they're in a hurry. When you're in a revolution, you are in a hurry; you must act quickly. And then they get tired and they make mistakes, so they come back with even more legislation. So people in Ontario are saying: "I'm not opposed to changes, but give me a chance to look at it. I want to be able to digest, to assimilate the change and to see how it works. Then let's move on in an orderly fashion to another change. But my plate is saturated. It's full."

I'll give you an example. Where I live in the small, proud community of Manitouwadge in northwestern Ontario — you know where Manitouwadge is in the riding of Lake Nipigon. It's 100 kilometres from Marathon, and then as you follow the highway you get on to Terrace Bay, Schreiber and then the smaller communities of course. Then you get on to Nipigon —

**Mr Wayne Wettlaufer (Kitchener):** Geraldton.

**Mr Pouliot:** That's on Highway 17. Dorion, Hurkett, Red Rock; very scenic, beautiful, right on the shores of Lake Superior. Okay, you choose to go the other way: From Manitouwadge, you get to Caramat, to Longlac, Geraldton. It's a vast and magnificent riding.

Each of those communities usually has its final tax levy — first of all, 50% at the beginning of the year, the interim tax levy. Then they add all their costs and they send you one final bill. Half of it is for general purpose, the other half, approximately, for school purpose. By this time you have the final tax levy, but not this year, because one more time the government has enacted too many changes. Their fiscal year is in six months. So we're a little frightened. Anxiety has led to fear. We stand by the fax machine and we're waiting for all those changes and we say: "Okay, we got it now. This is what it means." Well, within a week we get another change which contradicts or seriously amends the first change we got, so we have to wait again and again and again. Simply put, it makes things a lot more difficult.

The frustrating part of it is that if you take your time, if you balance, if you look for equilibrium, a lot of the confusion, a lot of the repeat work can easily be avoided. It's not redefining the atom. It's not all that complex. It's plain and simple, but you must listen well, you must be prepared and you must study it and do it well and do it one piece at a time. Then you see how it goes and then you come up with more legislation, because we're in an evolving, changing world. We're certainly not opposed to change. We welcome change; we believe it makes things better.

But when you're in a hurry one more time — 40 acts. I just thought of this — unless you have ulterior motives, unless you want to confuse and put in so much legislation that you can slip some of the bad stuff into the haystack. You throw the kitchen sink in there, changing over 40 acts, and then you come up with gems such as, "Conservation authorities will be allowed to enter into agreements allowing for oil and gas exploration and extraction in areas adjacent to conservation authority land." Oops, we found it, the not-so-proverbial needle in the haystack.

I'll give you some examples. You'll see when you dim the lights that the snakes start coming out of the bag. So you could have some exploration; conservation authorities can make a deal for gas exploration. This was always possible, but only if it was compatible with the goals of the conservation authority. If it did not interfere, if it did not jeopardize, if it did not attack the sanctity of conservation authorities, you could do it. But, no.

And in that bag there are many snakes. Here's another one coming out: "Activities that are approved under the Aggregate Resources Act do not require approval under conservation authority development regulations."

#### 1640

**The Aggregate Resources Act:** It sounds professional. Why should I worry, as a citizen? Would you like to have a gravel pit right in the back or to the side of your residence? A nice sight, ain't it? Love it? How about the resale value once you have an aggregate resource being extracted? Not a good sight, is it? There might be one coming to your neighbourhood in the near future. I don't wish that. This kills the value of property. They say they're cutting through red tape. They're going to make it simpler. The dump truck operators will be happy with this one, but the neighbourhood might suffer.

Under the Liquor Licence Act it has "The schedule amends the definition of 'Ontario wine' in the act to include wine produced in Ontario from agricultural products containing sugar or starch." That's what my notes say. We're talking about valuable Ontario wine. But it does include it now; they can still have the Ontario wine logo while including sugar or starch. But they're the ones who wish to do this, so in this case the government has listened quite well.

You know that the reputation of Ontario wines has grown by leaps and bounds. At one time it was a limited product of a quality which begged to improve, but over the many years — commendable: a better range, intern-



ationally tested and approved, recipients of many medals of honour. It has become some of the best wine around, bar none. Very good indeed. They need some encouragement. So when it comes to this kind of peccadillo, bagatelle, small change, as long as it helps the people involved, we of the New Democrats are saying: "Do it right away. Case over. We won't even debate it." We're of good conscience. We're honest, and honestly going forward to improve the legislation.

What we cannot understand, what we find difficult, is to use a mass of legislation. They must put those papers on a scale, and they say, "In there we'll slip a couple of pages which are really our agenda." When you do this, you lose respect. Your integrity begins to be questioned. Your sense of purpose is deterred from reaching its real goal.

Inevitably, the New Democrats, vigilant at our post, will catch you, and we'll remind you that you need not do this. You need not sneak legislation in. All you have to do is ask, and we will be your friends. We'll close ranks; we'll be your partners. Sometimes we might close our eyes, like we do so often, and let some legislation go through because we're still debating the issue and it's not catastrophic, it's not a make or break for the people we represent. But any attempt at playing a little shell game, at playing conjurors of illusion, at throwing snake oil, will be found, and you will be denounced and you will pay the political price.

What is more important is the general welfare of the populace. It could have been reflected. The government has a majority muscle, it has the tools, but it does not have the willingness to act nearly as quickly when it comes to the welfare of the indigent, of the marginalized, of the working poor, the minimum wage earners and now the middle class. It's very slow when it's time to benefit, to share and share alike, to pass some of the dollars. But when it's time to use every legislative authority to either collect money or to help their agenda, it matters little, for the means justify the end. I see too much of it in these regulations. We like some of it and we think it's high time for those changes; not a problem. Unfortunately, it is outweighed on the other side, where the government is acting with some malice.

**The Acting Speaker:** Further debate?

**Mr Derwyn Shea (High Park-Swansea):** It is a pleasure today to talk to you about the positive effect on the Ministry of Citizenship, Culture and Recreation of the government's efforts to reduce red tape. There are a number of significant ways that my ministry has benefited from government efforts to save taxpayers' dollars and improve government service at the same time. The work of the Red Tape Commission has freed up the machinery of government so that it runs better with less cost and with greater efficiency.

For example, Bill 63, the Government Process Simplification Act, which was passed last December, amended the governance and administration of the McMichael Canadian Art Collection, Science North and the Ontario Heritage Foundation, three key cultural agencies in this province. These amendments all made the process of governing these agencies more direct, allowing the

agencies to carry out their businesses more competitively, efficiently and cost-effectively and with a greater sense of control.

For example, the McMichael is now responsible for the appointment of its chief executive officer. Science North's board of directors can now determine the remuneration of its own chief executive officer, director and staff, and, Mr Speaker, something I know you're familiar with, the Ontario Heritage Foundation is able to streamline its board.

Upon reflection, surely all Ontarians would welcome these commonsense changes and wonder why governments of the past didn't take these commonsense steps sooner. These are not insignificant changes, although they may not be headlined in the evening news. All of these changes speed up the work of boards and staff and allow them to get on with the task of running their agencies. There's no doubt that unnecessary government regulations can hinder economic growth, but they can also weigh down the creativity and self-reliance of organizations. We must never lose sight of that.

Citizenship, culture and recreation are vital forces in this province. They enrich our lives, enhance civility and caring, give voice to our diverse backgrounds, promote volunteerism and provide us with many hours of entertainment and pleasure. More than that, Mr Speaker, as you have pointed out on a number of occasions, they bring tourism and revenue to the province and a substantial number of jobs to the economy. Furthermore, our government is committed to encouraging self-reliance and partnership in all sectors of the province. The least we can do is to untangle the red tape that has accumulated over the years. We want to see increasingly self-reliant agencies that are actively pursuing partnerships with the private sector. In the Ministry of Citizenship, Culture and Recreation, this is indeed already happening. I'm very pleased to report that.

The bill before us now, the red tape reduction bill, would repeal an act that was used last in 1990, and remove a section of another act which has never been used and is not needed. My ministry's part in red tape reduction under Bill 25 applies to the Parks Assistance Act and section 12 of the Ministry of Citizenship and Culture Act, which I know all members of this House are intimately familiar with. In both cases we would be removing non-functional pieces of legislation. All except one section of the Parks Assistance Act has been made redundant by newer programs and changes to the Planning Act that provide for the creation of parks. Section 10 of the act would be continued in order to preserve the bylaw-making powers of native bands and school boards, to enable them to continue to manage the parks they established under the act.

Section 12 of the Ministry of Citizenship and Culture Act, which deals with the conditions governing a financial assistance program that was never activated, should be removed because it is simply not needed.

**1650**

Not all of the positive effects I mentioned at the beginning of my speech deal with legislation. Let me be

very clear about that. Probably the best effect of our attention to red tape is the way the ministry has reduced our paper burden, improved our customer service and shortened some turnaround times.

New electronic communications have allowed the ministry to reduce its paper burden. Our voluntary equal opportunity plan supports employers' equal opportunity initiatives, not through thousands of reports filed with government each year but through an award-winning Web site that is quick, efficient, up-to-date and has a very fast turnaround time for inquiries.

A very favourite of mine, the Archives of Ontario — one of the Ministry of Citizenship, Culture and Recreation's core businesses, I point out — also has a Web site that provides clients with instant access to frequently requested information. This information once had to be published, reprinted, labelled, enveloped and mailed. It's now directly and immediately accessible, as you yourself know, sir.

If I were to name the single best effect of paying attention to the way government produces too much paper and too many forms in triplicate, I would say that e-mail takes the prize. The ability of employers to speak immediately to the equal opportunity plan or for a researcher to receive archival information is an enormous advance in the new information environment.

Thus I heartily support the red tape reduction bill and I join my colleagues in this House in thanking the member for Lincoln and the members of his committee for a very fine job. We look forward to more suggestions that committee will bring forward as we vigorously pursue better, less costly and more efficient government.

**The Acting Speaker:** Questions and comments?

**Mr Caplan:** I am pleased to follow the member for High Park-Swansea. It's interesting to note the scope of this legislation. It makes about 100 amendments to 30 different ministries, many of which I think have been outlined and are of a technical nature, but most of the amendments, 23 of the acts that are amended, allow the minister to set new fees. That's interesting. Mike Harris, when he was in opposition, talked about fees as just some other form of tax, that a user fee equalled a tax. I think my colleague from St Catharines has done a cumulative total of all the different user fees which have been levied since 1995. I think they total some 327 new taxes on the citizens of Ontario.

I find that rather ironic when I hear my friends opposite talk in such glowing terms about reducing taxes and the raised taxes by other parties. It's 327 times, and I know my friend from Etobicoke over there is absolutely astounded to learn the extent to which the government has imposed new taxes on the residents of Ontario, and through this kind of a measure is very sneakily, surreptitiously trying to give ministers of the government the ability to implement these taxes on the people of Ontario.

You would think, although it's not surprising —

**Hon Mrs Marland:** As the champion of 33 tax increases.

**Mr Caplan:** I've obviously touched a nerve. The minister responsible for children's issues is obviously reflecting on the poor record of her government when it comes to the taxpayers of this province and particularly the children.

**Mrs Lillian Ross (Hamilton West):** I am pleased to respond to the member for High Park-Swansea's remarks. He made some excellent comments with respect to what's happening in his ministry, Citizenship, Culture and Recreation, with respect to reduction in red tape.

This whole bill is all about reducing red tape. It's all about trying to make it easier for the people of Ontario to access government services, trying to get rid of a lot of paperwork, trying to keep up with technology. He cited several instances in his ministry where technology has provided much easier access, much faster access and better service to the people of Ontario. A lot of what's in this red tape bill is exactly that, providing better service, quicker, faster, easier, using technology that's available.

Some of what's in this looks at what's happening across the province with respect to restructuring in some areas. For example, where you have hospitals merging, you have boards merging, it changes it to address the new board name, which makes absolute common sense.

Some of it looks at acts which are redundant and should no longer be there; we've never used them for years and years and years. That's in here as well.

Some of them are looking at things that will make it easier for municipalities; for example, under agriculture, food and rural affairs, to allow the municipality, under the Drainage Act, to appoint more members to their boards.

Again, under health services, it looks at what's under the Regulated Health Professions Act and looks at the procedures to make it a lot easier for those committees and boards to address some of those things.

All of this is all about reducing red tape, paperwork, making it faster, easier, quicker for the people of Ontario to access government services.

**Mr Crozier:** I too want to very briefly comment on the words of the member for High Park-Swansea. I agree with him that we certainly want to reduce red tape. I'm sure, since we have now reduced speaking time, that he's disappointed that his government, in an effort to reduce and stifle debate in this place, has changed the rules so that after seven hours of debate we move from 20 minutes per member to 10 minutes, because I'm sure he had a lot more to say about reducing red tape in Ontario. I'm sorry that he doesn't have the opportunity to do that.

Speaker, as you well know, because it's a difficult job for you, you try to keep heckling comments from other members in this House to a minimum, but the minister was commenting kind of off the record about tax increases. I'm sure the minister, when we're talking about tax increases, would have wanted, had she had the opportunity, to comment on the \$1.823-billion increases in tax that Mike Harris supported when the Tories were in power in the early 1980s. I know he purports to be a Taxfighter, but certainly his record at that time, through the budgets of 1981, 1982, 1983, 1984, shows where Mike Harris voted



for tax increases on everything from personal income tax to OHIP premiums to fuel tax to beverage taxes. Literally nothing went untouched by Mike Harris's effort to support his government's efforts to increase taxes.

**The Acting Speaker:** Comments and questions?

**Mr Hastings:** I think I'll pick up on the member for Essex South's review of budgets 1981 through 1985.

**Ms Lankin:** No, you can't.

**Mr Hastings:** We can talk about anything in this place, so we'll talk about budgets 1985 through 1989.

**The Acting Speaker:** You address the comments by the member who has just debated.

**Mr Hastings:** Actually, Speaker, if you look at the culture and recreation budget of 1985 through 1989 under the previous regime, I think we had growth rates in this province of about 4%, but the actual expenditure by the previous speaker's government — I think the name was Peterson — was 16.5%. Imagine, a four-time increase. That was the type of budgets we had, and then they had a little surplus in 1989.

They're now attacking red tape as one of the fundamental things that they're opposed to. You hardly hear them talk about any of the virtues of this particular bill. It would be interesting to hear their comments regarding changes to the Mining Act, which would bring about greater potential for job creation in this province. It clearly sets out what those changes are.

1700

The Mining Act is being amended to remove references to boring permits. These are covered under the Oil, Gas and Salt Resources Act. The Mining Act currently restricts the issuing of oil and gas exploration licences and production leases to specific geographic areas. The recast version redefines the area. This will clearly help the mining industry, but the member for Oriole dismisses it as a mere technical improvement. I think it's a major improvement, but they don't want to talk about those things in the bill.

**The Acting Speaker:** The member's time has expired. The member for High Park-Swansea has two minutes to respond.

**Mr Shea:** I thank my colleagues for their interventions. The humorous asides from my colleague from Beaches-Woodbine are always welcome at all times in this House. The member for Oriole, of course, completely misses the point as usual, and I'll pass by those comments. Certainly I welcome back into the House my colleague from Essex South; always grand to see him here and to hear his interventions. The member for Etobicoke-Rexdale and obviously my colleague from Hamilton West understand the issue and understand the importance of what would be summarized as, "A penny saved is a penny earned."

Everybody watching this House proceeding today understands that in their household. They understand that if you can find a way to have efficiencies, there is in fact more money for disposal. It's that simple. This government is trying to find the same way by trying to find savings so we can do more with less, and that can be done. Everybody watching this program tonight understands

that. They're doing it in their homes day by day. They understand, as soliciting comes into their homes for telephone rates, AT&T or Bell or Sprint, that you can make choices. You can save money and still do the same thing. They understand that. They understand that they can either buy the Cadillac kind of car or the other kind of car, and you make those kinds of choices.

That's what this government is doing: how to serve the people of this province more effectively, more efficiently, more openly, more caringly, without spending a whole pot full of money. You don't have to hire Hertz Rent A Car to take the bags of money around the province; you can do it in better ways.

That is what this bill is all about. It's trying to find ways to run this household called Ontario in a more efficient fashion, like the taxpayers do every day and like we should be doing every day as well.

*Applause.*

**The Acting Speaker:** Further debate?

**Mr Crozier:** I appreciate that applause. Thank you very much. I didn't know that you were ready to greet me in such a kind and friendly way.

Just so the folks at home can understand, this Bill 25 is a red tape bill. It's been mentioned that we are dealing with some 40 statutes. Surely almost anything we do speak about today must be somewhere in 40 statutes, so I hope the Speaker will give me some latitude, but I really do want to speak to red tape issues.

Speaker, we're at second reading, and as you know, second reading is that part of the debate where not only may we speak about what's in the bill, but we could speak about suggestions for the bill, because we have yet to go to committee and the bill then could be opened for amendment.

I want to talk about a couple of issues that involve red tape, not the least of which is that every piece of legislation that's introduced in this House I believe should have a sunset clause in it so that after a length of time the bill would be reviewed and we would see whether it's doing what it's supposed to do. If it weren't, then either amend it — we could use the three Rs. We could repeal it, repair it or, I think the third one was, put it in the rubbish. But have a sunset clause so that we don't have to get to the point where we're dealing with hundreds of bills at one time.

**Ms Lankin:** Repeal, repair, re-enact.

**Mr Crozier:** Say that again.

**Ms Lankin:** Repeal, repair, re-enact.

**Mr Crozier:** Thank you. Those are the three Rs that I'd like to see, and I hope when this bill goes to committee that somehow or other we could either make that suggestion or that future legislation could contain one of these sunset clauses.

Another red tape issue that I would like to refer to is one that was brought up by a member of the government some months ago, if not a year or so ago, and that was the member for Grey-Owen Sound, Mr Murdoch. To me, the telephone system that we have to contend with in government today — when I say "we," I'm talking about we in our constituencies — is in itself red tape. If you will

recall, the member for Grey-Owen Sound said that he was tired of calling a government office and getting a machine. Red tape is that which delays us, red tape is that which makes things take longer to get done, and so in the latitude that you're giving me, I'm suggesting that these telephone-answering machines that Mr Murdoch said, and in fact I think the resolution of the House at the time agreed with him, were something that should be gotten rid of. It hasn't happened. That certainly isn't the fault of the member for Grey-Owen Sound. In fact, I called the other day to find out whose fault it was and all I got was an answering machine.

So there's another example of red tape, that perhaps we could make our government offices and agencies more accessible.

**Mr Hastings:** Should we go back to the old dial system?

**Mr Crozier:** The member across the way asks, "Should we go back to the old dial system?" I sometimes don't think that would be all bad. I can remember my grandmother's telephone number in Leamington was 99, and all you did was pick up this tall phone and there was somebody on the other end. They knew you to begin with, so they could certainly help you more quickly, and we didn't get these telephone answering machines that we have. But that's only a suggestion that we support, that we bring back that resolution of the member for Grey-Owen Sound and perhaps these telephone-answering systems could somehow be modified to help us with what I consider to be some red tape.

A third thing that we could do that would reduce red tape happens to relate to a bill that we just passed last night. It was the fifth bill on property tax. I can't imagine how much red tape there is in those five property tax bills, because in my view what happened is that it got bungled, all along the way it was being bungled, and the clerks and treasurers of Ontario tell us it's not right yet.

In order to assist in the elimination of red tape, in most businesses if you were given a project and it took you at least five times to get it right —

**Mr Tony Ruprecht (Parkdale):** You'd be fired.

**Mr Crozier:** — I suggest, as the member for Parkdale advises, you'd be fired. Again, I don't know whose fault it is, but in those five bills there must be a tremendous amount of red tape. That in itself would be a way to reduce red tape, to take your time, get it right and only have to do it once in all likelihood, and we'd only have one bill to deal with rather than five as we have now.

Some of the things the government has done, notwithstanding this bill — in all of the bills I have read — I can't see anything that is not a good move. We're getting rid of old legislation, we're combining some legislation into easier, more manageable bills, and that's good. I think for the most part Bill 25 is doing what all of us want to do. But some of the things the government is doing are simply causing more red tape at the municipal level.

I look here where I'm reminded that the costs of services such as welfare, long-term health care, ambul-

ance service, road maintenance and public housing are being downloaded on to municipalities. There is reason to believe that this downloading is going to result in about a \$650-million shortfall to the province. The finance minister says: "Don't worry about it. We're going to help you. We may have cheated you a bit. We may have shortchanged you a bit" — I don't want to say "cheat"; I withdraw that — "but we're going to help you." But the problem is they're only going to help for a couple of years. What happens after that? We all know. When that rainy day fund runs out, then it's going to be most definitely the responsibility of the municipalities.

**1710**

I think of red tape in my own constituency. Most recently, the social services in the county of Essex were told that they were going to have to get together with the city of Windsor and work out some method of sharing the costs and administrative duties of handling the delivery of social services in the county of Essex and the city of Windsor. The minister's kind of rule said that where there was a separated municipality, you have to combine the two. The city of Windsor and the county of Essex got together and, through a mediator even, they worked out a deal that was going to be beneficial to both, notwithstanding that the minister had said these separated municipalities should get together on it.

They were able to point out that the two separate delivery vehicles would still be the 13th and 14th largest in Ontario. There are lots of other areas where they haven't combined these delivery agencies and yet are still smaller, so an example, I think, of red tape.

The minister wasn't flexible. When somebody's not flexible, when you can't get something done the parties have agreed on and can show the benefits of, that in itself is red tape. There's a case where I truly wish that the Minister of Community and Social Services would have listened to the county of Essex and the city of Windsor when they said: "We have a plan. We have a plan that's workable. We have a plan that will serve both areas, both rural and the city, and it's one that will serve the constituents in the county and the city even better." But we ran into some red tape and the minister wouldn't allow it. I feel that's unfortunate. Thank you for the opportunity to speak today.

**The Acting Speaker:** Comments and questions?

**Mrs Ross:** I listened very carefully to the member for Essex South. He makes some good comments, and I was particularly interested in his comment with respect to a sunset clause and perhaps putting a clause in all new legislation that it should be reviewed at a certain point in time down the road. I think that makes some sense and perhaps it's something we should look at.

I want to talk about a couple of things. I wonder sometimes how long we can keep talking about this red tape bill because everything in it is in there to make it easier for —

**Mr Crozier:** It's good. It's all good.

**Mrs Ross:** It is all good. It's to make it easier for the people of Ontario to access government service. I'll just give you an example under schedule H. Under the



Regulated Health Professions Act there's the merger of the Health Professions Board and the Hospital Appeal Board into the Health Professions Appeal and Review Board. So two boards are amalgamated into one. When I read this I thought, wow, I never knew there were that many boards under this particular ministry. The Health Services Appeal Board, the Health Protection Appeal Board, the Health Facilities Appeal Board, the Nursing Homes Review Board and the Laboratory Review Board into one appeal board with a consolidated mandate: the Health Services Appeal and Review Board.

That makes total sense because these are tribunals that have similar families of interest. Merging them into one board, first of all, you don't have to have as many committee members, which makes sense to me, and it's a much more streamlined process. Those are the kinds of initiatives that are in this red tape bill.

I very much support it and thank the member for Essex South for his comments.

**The Acting Speaker:** Comments and questions?

**Mr Ruprecht:** Of course, the comments from the member for Essex South make sense. They're better than the Common Sense Revolution, that's for sure.

*Interjections.*

**Mr Ruprecht:** When your own member says that the member for Essex South makes sense and I say he makes more sense than the Common Sense Revolution, you don't have to be offended by this. Your own member just agreed.

Let's look at the facts. I'm glad the member for Essex South specifically mentioned that the Progressive Conservative government tried five times to get it right, five times to get one lousy bill right, and that's the bill we're talking about — taxes in Toronto. The first bill was no good. The second bill left big loopholes. The third bill straightened out some problems with the first bill. The fourth time they tried it, it failed. This is the fifth time they're trying to rectify it. What's the answer here? I have it in my hand. It's in a letter from the Association of Municipal Clerks and Treasurers of Ontario. I could quote from their five long pages of what's wrong even with the fifth try. But we're talking today specifically about cutting red tape.

I'm on the regulations committee. You think changes have been brought after three years of Conservative rule? Sure, everyone says: "Let's cut red tape. Let's do it now." After three years, what have we found on that committee? The same people have to come from Ottawa, from Peterborough, from Windsor, from all over Ontario to come before the committee and say, "Let's look at it again."

**Mr Sheehan:** I'd like to compliment the member for Essex South. He's right on the money. He had some excellent ideas, and a lot of them have been taken up.

In our report that we published on red tape in January 1997, we included a test that all deputies and ministers must sign off on before they bring forward proposed legislation. We call that the regulatory impact and competitiveness test. Basically, it is a cost-benefit analysis:

What's being done? What would we do if we did nothing? Who's doing it? Is somebody else doing it? What does it cost to implement? What does it cost to comply? Finally, does it have a sunset clause?

You reminded me to check some of the bills we've brought back since we've been in business, and we'll find out if they have these tests in them.

This current bill does not have a sunset clause because the bill is designed to be housekeeping, and hopefully we won't have revisit the items that are mentioned in this bill again. That's where the process is going.

I suggest to you that all of this is about customer service. People will not invest and people will not create jobs if we do not provide them with an efficient way to access recognizable standards which are readily understood and complied with.

**Mr Mario Sergio (Yorkview):** I'm pleased to comment on the remarks made by the member for Essex South. As you have just witnessed, his remarks are right on the dot, as mentioned by other members, because he always brings the best out of any argument dealt with in this House.

I want to compliment as well the member from High Park-Swansea for saying something very true. But unfortunately, his government does not listen. If they really wanted to attack the problem of red tape — they have done the worst thing in the last couple of years, bringing in the amalgamation of the city of Toronto, costing us on a daily basis millions of dollars. Can you believe it?

We went from a Metro council of 34 members to 57 members. That legislation came out of the blue. It caught even the Conservative members by surprise.

**1720**

The Premier must still be shocked by Mr Leach introducing that particular legislation that saw the amalgamation of the six municipalities, or seven, into one, and almost doubled the number of members that we used to have before. Can you imagine going from 34 members to 57 members — the red tape, the doubling up in each area?

Take my area. I have to deal with two particular councillors. Every time I have to send them a note, I have to send it to both of them. Can you believe it? This is costing taxpayers money. So when we want to attack red tape, let's really do it. Let's not just talk about it.

**The Acting Speaker:** The member for Essex South has two minutes to respond.

**Mr Crozier:** I hardly know what to say. But then since I have two minutes to say it in, I might as well. In the short 10 minutes I had, there was one more thing that I didn't have the opportunity to comment on.

Just today, legislation was cleared through the justice committee, a budget bill, Bill 15, and in the discussion on that, it involved comments about red tape, that now, or soon to be, the provincial sales tax will be taken off the 25¢ telephone calls that are made at pay phones. It was suggested that this was a reduction of red tape for Ma Bell, and probably it was, except that I would think that Bell Canada is one of those companies that is so very

sophisticated that their recording, collection and remittance of provincial sales tax would happen simply at the push of a button. I don't know whether it's quite the issue of red tape to Ma Bell that some of the comments in the committee would have led us to believe.

But my point is, and the point was made in the committee today, that in reducing the red tape for Ma Bell, what we were doing was taking a consumer tax that I no longer have to pay, but giving it to Ma Bell and not giving it to me. There was a case where reducing red tape reduced revenue to the government, but the consumer didn't benefit by it. Obviously they can't charge 23½ cents for a telephone call, so I think there are minds working feverishly now to figure that problem out.

**The Acting Speaker:** Further debate?

**Ms Lankin:** I'm pleased to have an opportunity to speak on this bill. One thing concerns me as I've been listening to the debate, in particular in the participation of some of the government members who have stood up and in their two-minute responses have read from prepared briefing notes. I see some of the folks that were probably involved in developing the briefing notes — I'm not sure about that. But they read these notes about how wonderful this bill is. It's all about reducing red tape and it's going to bring efficiencies and bring costs down, and they give an example here and there.

Quite frankly, I don't mean at all to be insulting, but I do truly believe —

*Interjection.*

**Ms Lankin:** I say to the member for Etobicoke opposite — in fact I'm not going to say what I was just going to say. I don't mean to be insulting to members, but I believe truly that the members I've heard participating have very little understanding of what's actually in the bill. I do not believe they have taken the time to read at great length. I think they've accepted the briefing notes and the explanation. Legislation is dry stuff, particularly when you're dealing with some of these kinds of statutes, but they stand up and they rhyme off from the briefing notes all of the wonders that it's going to do.

When members have tried to raise concerns, I think legitimate concerns, whether you'd agree in the end or not with resolutions that the members would propose with respect to those sections, members opposite have been saying: "Speak to the bill. Speak to the bill." It's because they only think the bill is related to the title, An Act to reduce red tape. Well, my friends, it's only a title, and the title doesn't relate very well to a fair amount of what's in the bill.

There are certainly sections in the bill that are about red tape. If you look through a number of the schedules in the bill — schedule A is amendments and appeals proposed by the Ministry of Agriculture, Food and Rural Affairs dealing with the Drainage Act, the Sheep and Wool Marketing Act — those are the sorts of amendments that I would agree are red tape.

If you look at schedule B, dealing with many pieces of legislation under the purview of the Attorney General and the Solicitor General, there are a number of them in there

that go far beyond being red tape — although they do have some red tape bills as well.

If you talk about schedule G or schedule H, which I want to talk about at some length, dealing with Ministry of Health and various agencies under the purview of the Ministry of Health, let me tell you there's very little here that is actually about red tape.

The member from Hamilton just a moment ago talked about the amalgamation of two boards and said what a wonderful example that was. That is one clause in two schedules of the bill which take up almost half of this very thick bill. Members should understand more specifically what's in there.

Why would you support and call it removing red tape, for example, if you were to do away with regulating the use of containers and which drugs are dispensed? Would that be red tape, to do away with that kind of regulation, regulation setting out what the dispensing vehicle should be, what the container should be; or with respect to who tests them or who certifies them, is that red tape?

**Mr Hastings:** Yes.

**Ms Lankin:** You're saying it is, you're shaking your head? I'm glad you're shaking your head. Now let me read you what the act says. The act gives the minister and the Lieutenant Governor in Council the ability to regulate with respect to those sections. It doesn't do away with the ability to regulate.

I'm sorry. Was that entrapment, the fact you don't know what's in the act? I ask you, "Is that red tape?" and you nod your head like a little dog on the back of one of those cars, you know, that just sits there and nods. You don't know what's in the act, and I resent that kind of participation in this Legislature. Government members should be able to understand and defend the piece of legislation that is before the House in the kind of detail with which we could have intelligent debate.

When I challenge you that something is red tape and defend it and you shake your head and say, "Yeah, that's red tape; it should be gone," and then I show you that in fact the legislation allows for the regulation of it, that you're completely wrong, it shows you what an inadequate understanding you have of the piece of legislation.

There are sections of this bill with respect to health which cause me concern and which I would like government members, as they're speaking, to explain. With respect to a health disciplines process in various colleges, regulated health professions, I remember spending a very long time as Minister of Health dealing with the regulated health professions. I had only a small piece overall in the history of it, because there were something like seven ministers of health over 10 years who were involved in updating the regulated health professions legislation.

One of the things that was very important was to ensure that the right of complaint through regulated health professions was maintained, that right of access was maintained. In schedule G of this legislation there's a provision that allows the panel itself, if it "considers a complaint to be frivolous, vexatious, made in bad faith or otherwise an abuse of process," to decide that, and it gets to say, back



of the hand: "We don't want to have anything to do with this. We don't want to listen to the complaint." If there were mechanisms for appeal for that, you could say, "Okay, maybe that's all right, because at the next step this will be handled." But the next step is for the complainant to write a letter to the same panel, and if the panel, after reviewing it in writing, still says that this is frivolous, then it need not proceed.

This is worrisome to me. I spent time trying to work on changing the legislation with respect to disciplinary procedures on doctors and bringing in as an offence, as a professional misconduct, the issue of sexual abuse of patients. There was great resistance within the profession for a long time. In the end, the profession did do great service to itself. It came to terms with this and it worked in a very cooperative way to revise the legislation.

This kind of power given to a panel really worries me in terms of the right of access to appeal and to fair hearing. That's not red tape, my friends. That is not red tape and yet that is contained in this bill.

I also note that in this bill we give the power to make regulations that set out standards and qualifications for issue of certificates of registration with respect to health professions. There was long, hard work to set out within legislation scopes of practice for professions. Those are matters of public confidence and public safety and quality assurance and they should be in legislation. Those are matters that we should debate in this House and with full public input if they are to be changed. They should not be left to a matter of regulation. That's not red tape, my friends, that is patient safety, that is assurance of quality in our health care system. Yet this bill purports, just as a matter of cleaning up red tape, to move some of these things to regulatory powers.

1730

The minister may designate a hospital or facility or a class of hospitals or facilities within which it is permitted to install or authorize computerized axial tomography scanners. That's the CAT scan that we often hear referred to. It also allows government, the minister, to determine the number of CAT scans in hospitals or facilities. It actually says no person can install or operate one without these approvals, and it goes on that they have to be designated by the ministry.

There are four detailed sections there with which I agree in their entirety, but you know what? That's more regulation. That's not doing away with red tape; that's setting in place what this government in other circumstances within this bill is removing and is calling red tape. In fact, these are ministries that have legislation that needs updating or to which they want to make some changes. It's like a stew pot. They've dumped it all in here. That has nothing to do with removing red tape. That is putting in place further regulation, regulation that I agree with, but please don't stand up with these two-minute speeches and no understanding of the bill and say it's about reducing red tape.

I only have a minute left and there's so much I want to talk about in this bill, but I want to refer to schedule I. I'm

on page 161 of the bill. It is the Conservation Authorities Act. Within the conservation act, two pages over on page 163, there is a section 28 which, subject to the approval of the minister, allows regulation-making with respect to a whole range of sensitive environmental issues. I think it's good that regulation-making power is there, but I want to tell you, this section repeals section 28 of the current act. That is the section which made the approval of such regulations subject to approval by the Lieutenant Governor in Council. That is the cabinet of the government of Ontario. That power has been deregulated, has been handed off, has been downloaded in the name of getting rid of red tape. Sensitive environmental considerations should remain the purview and the concern of the government of Ontario. I will not support this bill in the way in which it is drafted here.

**The Acting Speaker:** Comments and questions?

**Mrs Ross:** With respect to Bill 25, the red tape reduction review bill of 1998, the member makes some comments with respect to the right to an appeal. Certainly, there's always the right to appeal to a judicial review. There's always the ability to do that, so that is not lost in this red tape bill.

When she talks about the CAT scanners and the MRI machines, they have always had to be approved or go through the LG's office for that type of equipment. Now it's up to the minister, which means you eliminate going through the LG's office; it's the minister's discretion. What that means is that hospitals and institutions can get approval for those types of equipment a lot quicker than they ever could before. So that helps eliminate some red tape as well.

The whole purpose of looking at what's in this bill and the red tape review — Frank Sheehan, the member for Lincoln, has stated that they looked at everything they do and asked: Is it needed? Is it required? Is it done by anybody else? Is there a way of doing it better, or does it in fact need to be done? That's what the red tape review is all about: looking at how they can provide better, faster, more efficient service through eliminating paperwork and red tape and getting rid of things that are obsolete, addressing the new technological age and all those types of things. I believe that's what's in this bill, Bill 25.

**Mr Ruprecht:** I listened very carefully to the member for Beaches-Woodbine. She raises, to my mind, two very important points. The first one she raises most of us found really astonishing. I looked over to your side and some of you had your ears open and you were all trying to understand exactly what she said, and that was about the regulated health professions and the right to complain.

I thought it was interesting that if someone within that field should try to complain, they would then be subject to some accusation of being frivolous, of being vexatious. That kind of complaint mechanism is obviously necessary and essential if we want to have some sense of fairness and justice. I am very glad she pointed that out very specifically.

I'd like to see what the answer will be, whether the streamlining through the saving of red tape is going to

destroy that aspect of it, or whether indeed the mechanisms for complaints will be professionally done. I hope that will not be done away with and she is raising a very good point.

The second point she is raising, which is also of utmost importance to all Ontarians, is that she says most of this Bill 25 — if I understand this correctly, member — is really part of a bit of window dressing. Some schedules that the bill addresses remove obsolete legislation. We know that. But here is the point: Downsizing and ministerial control over fees surely have little to do with eliminating red tape and everything to do with cutting services and raising revenue.

Mr Caplan mentioned earlier — I guess my time is up, Mr Speaker. I will have another chance to speak.

**Mr John O'Toole (Durham East):** I recognize I am responding to the member for Beaches-Woodbine with respect to Bill 25, but I thought it was in order to stand and recognize the member for Lincoln, Mr Frank Sheehan.

I am one of a number of members on the commission. This commission works very hard at consulting with the people of Ontario from various sectors, from the small business sector. I can tell you, in my riding I was very pleased to have the member for Lincoln come to a very early morning breakfast in Port Perry, Ontario, around 7 o'clock in the morning. There were 75 people there. There wasn't enough room for everyone to sit down.

They were so impressed with Mr Sheehan's presentation and his accessibility, which really underlies the whole aspect of Mr Sheehan's credibility with small business. They knew he was indeed a fighter for small business.

Quite honestly, I know that Mr Tsubouchi introduced this bill, which is correct. The minister obviously has to introduce a bill. But behind those titles of ministers there are a lot of very hardworking members in this Legislature. I encourage members of the opposition and indeed the third party to work with their small businesses, not just the big chambers of commerce but the small businesses employing four and five people, and find out from them precisely what regulations are unnecessary burdens for them.

The government's point of view: We're sympathetic to listen and it's certainly the member for Lincoln's responsibility to bring that up, not only to Minister Tsubouchi but to Minister Flaherty, Minister Eves and indeed the Premier. I know the member for Lincoln has very solid access to the Premier of this province. The Premier listens and it's obvious — this bill comes forward. We need your support, because you're supporting not only Mr Sheehan but small business in Ontario.

**The Acting Speaker:** I just want, for my own edification, to reiterate that the comments and questions you have asked me to allow are supposed to be directed towards the debate at hand, most particularly the person who has completed their speech. I'd just like to remind you of that. It will save us all a little bit of consternation a little later on. I'd like to direct all members' attention towards that.

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**Mr Caplan:** Thank you, Speaker. I will address my comments to those made by the member for Beaches-Woodbine. She pointed out in her comments that this bill, which purports to reduce red tape and make a smoother efficiency of government, in fact has an impact on very sensitive environmental legislation. I'll point out to members of the government, because I know they haven't read this legislation, that they really need to know what it purports to do.

The Conservation Authorities Act is amended and it removes the need for provincial approval of enlargement, amalgamation or reduction in the size of conservation areas, in the size of conservation authorities. That doesn't sound like red tape to me; it sounds like a really serious assault on environmental protection in this province.

In fact, an amendment to the Conservation Authorities Act will identify flood control as a provincial interest in conservation authority matters, and the Ministry of Natural Resources will now have to approve conservation authority plans, regulations, amendments, impacting floodplain, shoreline areas, unstable slopes and wetlands. The Association of Conservation Authorities of Ontario believes this amendment will result in more overlap, more duplication, and confusion between the roles of conservation authorities and the roles of the province in protecting these areas. In fact, the conservation authorities association wasn't even consulted about the provisions in this bill. Isn't that interesting?

Once again, the Mike Harris government is not listening to the people of this province and to the experts in these areas. A bill which purports to remove red tape in fact is doing a bunch of silly things, and I thank the member for Beaches-Woodbine for bringing these out in her comments.

**The Acting Speaker:** The member for Beaches-Woodbine has two minutes to respond.

**Ms Lankin:** I understand why the member for Durham East wouldn't want to respond to what I had said. I actually raised some concerns about the content of the bill, and what do we do? We get into high-level rhetoric, thanking members of backbench commissions who did work on stuff. I'm glad they're working hard and I thank them for their work on behalf of the people of the province. I may not agree with all of what they come out with. I suggest, however, that the purpose in this House —

*Applause.*

**Ms Lankin:** Well, the trained seals can do what they want. The purpose in this House is to speak to the basic content of the bill so that perhaps there might be an opportunity to improve it. But when you do this mindless kind of approach of the government members of standing up and reading these briefing notes and not knowing the content of what is in the legislation, I feel offended on behalf of the people of Ontario.

I appreciate the comments from the member for Oriole. In fact, the section that I raised on the conservation authorities is of concern. The conservation authorities themselves are concerned with respect to this in terms of



what it means for greater duplication in who is making determinations.

I raised the concern in terms of downloading and deregulation of decision-making powers from the cabinet of Ontario, with overall responsibility for the safekeeping and conservation of environmentally sensitive lands, to a ministerial discretion to download to authorities when we have had examples of authorities which have moved into widespread development of arenas and other recreational activities and have had more of their concentration on that than on the conservation of sensitive environmental lands. I'm not slamming all. Most conservation authorities have been very responsible, but we have had those examples. Those responsibilities rest with the government of Ontario and should remain under the control of the cabinet of Ontario.

That is not red tape, my friends. Please read the act. Please look at all of the aspects. This bill needs to be amended.

#### **The Acting Speaker:** Further debate?

**Mr Sheehan:** My speech will be more or less along the context of the bill and the process that we've evolved so that people might get a better understanding of what we're trying to accomplish.

Cutting red tape was a commitment of the government in its determination to make Ontario more accessible and more interesting and to encourage people who make investments, who will create jobs. It seems to be working. Red tape is right up behind taxes and availability of adequately trained staff for people thinking about locating in Ontario.

The subject of red tape has to deal with whether the regulations are clear, readily understood, whether they set high standards, and then, do they provide us with some measurable outcomes? Unfortunately, a lot of the bills that we're talking about here are not clear. They are confused and they are all bound up on the subject of process.

Governments in Canada in a 10-year period ending in 1994 passed over 100,000 new regulations. A Fraser Institute study in 1993-94 estimated it cost \$85.7 billion to comply with regulations. If you want to put that in context, that's about \$12,000 for every family of four.

The Carr-Gordon report that our commission commissioned did a study of Ontario business and found that regulatory burden accounts for 7% of small business operating costs, and in some cases it gets to be as high as 40% of their operating costs.

The Canadian Federation of Independent Business reports that 43% of the firms spent more than six hours a week on government regulations or paperwork, and 17% spent more than 10 hours a week.

Jurisdictions that compete with Ontario for business and jobs, such as Michigan, New York and the Carolinas, are working hard at removing regulatory barriers. They recognize the impact they have on competitiveness and on job creation and economic survival.

There's more than a century of legislation and regulations that we're dealing with, because nobody until recently has ever even attempted this process. Times

change, technologies change, the world changes, and without government will to address this, to address the regulatory environment, it will still reflect the times when those laws were created, and the problems they address oftentimes no longer exist.

Few governments have taken the time or given it the priority to do this. This government has recognized the cost of waste, not only of unnecessary regulations but also the legislation that strangles our private sector, and the cost and confusion of outdated and redundant legislation.

The first thing our commission did when we were establishing was to establish a thing we called the RIC test, because there's no sense trying to bail out the boat if you haven't figured out where the leak is and plugged it first. I have already explained in my response to the member from Essex what the RIC test does. It is basic, fundamental cost-benefit analysis which required that the minister and the deputy minister had to sign off that those questions had been asked. I suggest to you that these questions are just things that come naturally to anybody who has ever run a business, met a payroll.

Next, the recommendation the Red Tape Commission made to the government was to provide for annual housekeeping bills to remove the red tape and clean up legislation and regulations. That's what this bill is about. It's about cleaning out Fibber McGee's closet, as I call it, because too much regulation ties us up in process. We get locked in the legislation process. It just freezes the thing. It slows down the process. It detracts from customer service and government efficiency.

In our January 1997 report we wrote:

"One of the difficulties in eliminating red tape is effecting statutory changes in a timely manner. In many cases a change to a statute is necessary in order to eliminate a regulatory requirement. The amendments needed to achieve this purpose can be very minor in nature. They often involve deleting a provision (for example, a filing a requirement) or a regulatory power.

"Ministers are reluctant to proceed with minor statutory changes independent of their major legislative reforms. The main reason for this hesitancy is their awareness of the limited legislative time available for consideration of bills. There is a risk that minor amending bills will be held up in the Legislature (and perhaps die on the order paper) because there are so many more important bills under consideration at the same time.

"Some jurisdictions have addressed this problem by introducing legislation that deals with numerous minor amendments. The federal government sponsors a 'Miscellaneous Statutes Amendment Act' for this purpose. Without such a process, Ontario cannot easily remove obsolete or contradictory provisions, amend unclear language, correct obvious errors, eliminate unnecessary administrative requirements, simplify procedures or make other changes that reduce red tape, facilitate service but do not affect major policy issues."

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In 1996 we introduced 17 bills to eliminate legislation removing forms, fees from regulation, removing other

administrative detail from legislation, regulations, and streamlining regulatory processes to serve Ontario better.

At the end of the last session, 10 of the bills had been passed and seven got hung up in another issue that had nothing to do with the bills. The members of the opposition agreed with the content of the seven bills, so the fight was about something else.

Bill 25 collects those and brings them forward. It's the spring cleaning bill. We're going to clean the corridors of government power and get rid of the detritus of accumulation over the years.

Some of the bills, the Oleomargarine Act — can you guys even remember what that was all about? You couldn't colour the damn stuff. The Abandoned Orchards Act; the Fur Farms Act, whatever that was. It was removing the requirements to amend regulations and gazette changes to office hours in the registry office that take time and resources of the government and often get published weeks after the actual event. For example, in a forest fire situation there's a regulation that requires that notice must be published in the Gazette that they've declared this a danger zone. The fire is on, fellows, and there's nothing you can do about that, but they had to go through the process of putting it in.

I'm delighted the eight ministers have taken the responsibility to develop and refine the content of Bill 25, shared the views of the commission and taken the time and made the effort to search and identify the needed legislative changes.

I applaud Minister Tsubouchi for sponsoring this important bill. I have to say that Minister Tsubouchi, with his legs and regs committee, is an important watchdog for the commission because he spots bills that are being brought forward that have not been subjected to the RIC test, and he puts them on notice and we very quickly respond.

I also acknowledge the efforts of my fellow commissioners. I want to tell you they're probably the hardest-working group in the Legislature. Up until this year we met weekly at 8 o'clock in the morning, with the member from Durham coming in here, about an hour's drive, notwithstanding he may have been here till 8 or 9 o'clock at night. There are others, member Spina. Who else? There were about three or four — Stewart. They all come from long distances and they work hard and diligently and they give us the best.

If you want to get the context of red tape, you might look into the story about the Gulliver's Travels and the Lilliputians and how they were able to subdue the giant with the little bits and pieces of string that he could very easily have broken at any time, but when they put him down with a whole host of these things, there was Gulliver staked out and ready for whatever happened to him. Red tape is like that to our businesses. Each process, each form, each approval is a small strand. As they add up, as they have done over the decades, they soon tie up our businesses and hinder their profitability and their competitiveness.

There's a recent study done that Art Daniels made me aware of. Over 30,000 Canadians were surveyed and red tape and regulations was the number one offensive thing for people. In Bill 25 we're cutting many of those strands. We're making it more attractive to invest in Ontario. We're making it more attractive for entrepreneurs to create jobs. We're going to make the government more service-oriented and we're going to make it more user-friendly and efficient.

**The Acting Speaker:** Comments and questions?

**Mr Ruprecht:** I've listened carefully to the member for Lincoln. The intention to remove the regulatory burden from our businesses to make them more competitive ought to be applauded. There's nothing wrong with that. I think the intention is great. There should be no reason whatsoever to have our businesses, if they want to be competitive, spend six to eight hours in terms of filling out regulatory forms. That's more expensive, obviously, and ought not to be accepted.

But my friends, just remember this: When you look at Bill 25, which I have in front of me, you must recognize at the same time that downsizing and ministers' control over departments have little to do with eliminating red tape and they've got everything to do with cutting services and with raising revenue. You have to admit that as well. Let's look at the balanced approach.

I'll give you an example of what happened to me personally. It began three years ago with the administration. You took over this government three years ago and all of us on the regulations committee, which is supposed to watch all this, said — and all parties agreed, the Conservatives, the Liberals and the NDP — "How can we cut the red tape?"

We made recommendations and we said the following: There is no reason why the city of London should come forward and have all their staff come to Queen's Park and all of us sit there and pontificate when the city of Toronto already had the right to cut weeds from public highways. In short, every municipality across Ontario had to come here and make the request and spend more money and spend that time because we did not have the foresight to cut that regulation, meaning we could have saved money. But do you know something? How far has that gotten us? How far have we achieved the cutting of that red tape for the municipalities? I stand here before you today and say you have not succeeded. Do you want to cut red tape? Cut the red tape at the beginning.

**Mr Wildman:** I understand the sincerity with which the member for Lincoln has addressed this matter and the work that he and his colleagues did in terms of consulting with the public and with members of the bureaucracy on how to try to streamline regulations and get rid of red tape. But I want to say a couple of things. I understand why the government has brought forward this as an omnibus bill, part of Bill 25, and combined a number of bills together so that we have a rather massive piece of legislation here which deals with many, many regulations, but there are problems with omnibus bills in themselves in that very few members of the House, I suspect, have actually read



all of this bill, and there are parts of it that really raise concerns.

It's one thing to eliminate red tape. It's another to eliminate regulations that some might consider red tape but in fact to have a good basis in trying to ensure that we properly protect the vulnerable or protect the environment against abuse of bureaucratic power or exploitation in the marketplace, and I think we have to look very carefully at these regulations that are being removed. The other is that in many parts of this bill it allows for fees to be set for services and to be set by a director or a bureaucrat rather than to be prescribed in regulation. If they were prescribed in regulation, it would require regulatory change to change them. Now it can just be done by fiat by a bureaucrat.

**Mr Douglas B. Ford (Etobicoke-Humber):** I was sitting here before listening to the members for Beaches-Woodbine, Parkdale and Algoma and reading this act, and I was making communication with the member for Beaches-Woodbine when she was talking about CT scanners. I wonder how many people in here have bought a CT scanner for a hospital. I have. There's the difference. I'd like to point out a few things about a CT scanner. At that viable time in history — we're talking about Bill 25, which we were discussing, the part in here about health care.

#### *Interjection.*

**Mr Ford:** You've always got a little giggle, but that doesn't work out too well.

I'll tell you something else. All these professionals are small business people, the radiologists, the people who do it — they have private practices — the doctors and everybody else who's involved in these things.

They were also talking about MRI machines. We were involved in that too, and at that time that government didn't want to supply us with a scanning machine, so we went out and purchased our own. We were talking to the member here who was from York and he was knocking the situation we had at hand. But I'd like to point out that every one of these acts here — this is a very sincere government in operation and we're trying to streamline and help people in this province, which we have been doing, if you look at our record. I'm very proud of that.

Listening to some of the comments being made here, they say, "You haven't read the bill." I suggest they read the bill. Any member here who wants to discuss the bill

**The Acting Speaker:** The member's time has expired. Please take your seat. Your time has run out.

**Mr Ford:** I will discuss it with them nose to nose in front of a camera or in front of reporters.

**Mr Sergio:** I wonder if choking the speaking time in the House, choking the time allowed members to speak in this House, is considered part of Bill 25 or the red tape bill. We now are practically going to no time whatsoever, so I wonder. I know it has been done under different circumstances by this particular government, but when they introduced Bill 25 they must have had in mind to include red tape limiting the time of members in this House to speak on behalf of their constituents, and they

have succeeded in that as well. I don't call that doing what the people out there are doing on a daily basis, as one of the previous speakers said.

They say we've got to do more with less. My goodness, if this were to be the case, then certainly the government is not doing what it is preaching, because for every piece of legislation they introduce, they retain other powers given to their own ministers so they can do it on an individual basis without coming into this House for legislation, and we don't even know. So for everything they remove, they must add double to it. I don't consider that doing a favour to the general taxpayer, to the general community, and it doesn't do anything for the members of this House when we come to say we want to debate this particular bill. What happens is that they say: "That's it" — choking — "No public hearings. No time." It's all part of the government's dealing with the various pieces of legislation they introduce on a very ad hoc basis.

**The Acting Speaker:** The member for Lincoln has two minutes to respond.

**Mr Sheehan:** I welcome the input from the opposition, particularly from the member for Parkdale. The commission has operated on a fully open basis. Anybody who wants to come has been welcome. It's a complaints-driven process. That's how we find out how these regulations is affecting people's lives. So if you have complaints or you have members who have complaints, we will look at them and receive them. We have a standard presentation form to facilitate the presentation and cataloguing the complaints.

I would say to the member for Algoma that health and welfare and environmental safety have never been up for debate. We just insist that those are protected. They're enshrined. No way will we contravene anything that does that. I guess it was a U of T professor who said that the best way to protect the environment is to wrap it up in so much red tape that you can't get at it. The problem with that is that people have to live in that environment. We think the environment is better served if there are very clear standards set, very clear outcomes measured. I'll give you an example. There are four bills that deal with the environment. Two of them contain no definition of the word "environment" and two contain contradictory definitions. If you think that's protecting the environment, I suggest to you there's something wrong with the process.

We have been working that way. We want our regulations to be clear, we want them to be understandable and we want them to be easily complied with. We think businesses that are coming in are way ahead of most of the people who want to protect these things because technology is at a gallop, if not on an absolute rocket ride, and technology is taking over and surpassing all the regulations.

**The Acting Speaker:** It being five past 6, this House stands adjourned until 6:30 tonight.

*The House adjourned at 1805.*

*Evening meeting reported in volume B.*

**LEGISLATIVE ASSEMBLY OF ONTARIO**  
**ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO**

Lieutenant Governor / Lieutenant-gouverneure: Hon / L'hon Hilary M. Weston

Speaker / Président: Hon / L'hon Chris Stockwell

Clerk / Greffier: Claude L. DesRosiers

Clerk Assistant / Greffière adjointe: Deborah Deller

Clerks at the Table / Greffiers parlementaires: Todd Decker, Lisa Freedman

Sergeant-at-Arms / Sergent d'armes: Dennis Clark

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Algoma	Wildman, Bud (ND)	Fort York	Marchese, Rosario (ND)
Algoma-Manitoulin	Brown, Michael A. (L)	Frontenac-Addington	Vankoughnet, Bill (PC)
Beaches-Woodbine	Lankin, Frances (ND)	Grey-Owen Sound	Murdoch, Bill (PC)
Brampton North / -Nord	Spina, Joseph (PC)	Guelph	Elliott, Brenda (PC)
Brampton South / -Sud	<b>Clement, Hon / L'hon Tony</b> (PC) Minister of Transportation / ministre des Transports	Halton Centre / -Centre	Young, Terence H. (PC)
Brant-Haldimand	Preston, Peter L. (PC)	Halton North / -Nord	Chudleigh, Ted (PC)
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Burlington South / -Sud	<b>Jackson, Hon / L'hon Cameron</b> (PC) Minister without Portfolio (Seniors Issues) / ministre sans portefeuille (Affaires des personnes âgées)	Hamilton Mountain	Pettit, Trevor (PC)
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Cochrane South / -Sud	Bisson, Gilles (ND)	Kingston and The Islands / Kingston et Les Îles	Gerretsen, John (L)
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Dufferin-Peel	Tilson, David (PC)	Lanark-Renfrew	Jordan, W. Leo (PC)
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Etobicoke-Rexdale	Hastings, John (PC)	Mississauga South / -Sud	<b>Marland, Hon / L'hon Margaret</b> (PC) Minister without Portfolio (Children's Issues) / ministre sans portefeuille (enfance)
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Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.

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Dwight Duncan, Tim Hudak, Frank Klees,  
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of Ontario**

Second Session, 36<sup>th</sup> Parliament

**Assemblée législative  
de l'Ontario**

Deuxième session, 36<sup>e</sup> législature

**Official Report  
of Debates  
(Hansard)**

**Journal  
des débats  
(Hansard)**

**Thursday 11 June 1998**

**Jeudi 11 juin 1998**

**Speaker**  
Honourable Chris Stockwell

**Clerk**  
Claude L. DesRosiers

**Président**  
L'honorable Chris Stockwell

**Greffier**  
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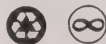
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# LEGISLATIVE ASSEMBLY OF ONTARIO

Thursday 11 June 1998

# ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Jeudi 11 juin 1998

*The House met at 1830.*

## ORDERS OF THE DAY

### ECONOMIC DEVELOPMENT AND WORKPLACE DEMOCRACY ACT, 1998

LOI DE 1998

### SUR LE DÉVELOPPEMENT ÉCONOMIQUE ET SUR LA DÉMOCRATIE EN MILIEU DE TRAVAIL

Mr Flaherty moved second reading of the following bill:

Bill 31, An Act to promote economic development and create jobs in the construction industry, to further workplace democracy and to make other amendments to labour and employment statutes / Projet de loi 31, Loi visant à promouvoir le développement économique et à créer des emplois dans l'industrie de la construction, favorisant la démocratie en milieu de travail et apportant d'autres modifications aux lois ayant trait au travail et à l'emploi.

**Hon Jim Flaherty (Minister of Labour, Solicitor General and Minister of Correctional Services):** I propose to share my time with the honourable members for Niagara Falls and Simcoe Centre.

I am pleased to begin this debate on second reading of the Economic Development and Workplace Democracy Act. It's an appropriate title for an important piece of legislation. This is an act that promotes economic development and job creation, the kind of economic development and job creation that this province has benefited from for the past three years. Since 1995, this government has carried forward a plan aimed at creating a positive environment for economic growth and job creation. As we heard in the throne speech and the budget, the plan is working thanks to cuts in personal income taxes, cuts to payroll taxes and cuts to taxes on new homes. Tax cuts create jobs, which has been proven in Ontario.

Imitation is the sincerest form of flattery, as you know. We see provinces, even provinces with NDP governments such as Saskatchewan and British Columbia, in their budgets this year imitating the province of Ontario, following the lead of Ontario, cutting taxes in order to create jobs. This government is continuing to hold fast to the pro-growth, pro-jobs policies needed to ensure that Ontarians succeed in the 21st century.

Recently the media have been reporting that the national unemployment rate has stayed relatively stable at about 8.4% nationally. More to the point, the rate has dropped to 7.1% here in Ontario. That's good news after the massive unemployment in the early 1990s, but for this government that's not good enough for the long term. We're proud that some 350,000 net new private sector jobs have been created since 1995, but too many Ontarians are still unemployed. Especially worrisome is the jobless rate among young people aged 15 to 24.

**Mr Bud Wildman (Algoma):** On a point of order, Mr Speaker: I wonder whether there is a quorum present.

**The Acting Speaker (Mr Bert Johnson):** Would you please check and see if there is a quorum.

**Clerk at the Table (Mr Todd Decker):** A quorum is not present, Speaker.

*The Acting Speaker ordered the bells rung.*

**Clerk at the Table:** A quorum is now present, Speaker.

**The Acting Speaker:** The Chair recognizes the member for Durham Centre.

**Hon Mr Flaherty:** Especially worrisome is the jobless rate among young people aged 15 to 24, which sits at 15.7%.

Our goal is to create a climate of job creation that benefits all Ontarians for the long term, and to reach that goal we need to develop the kinds of job-creating instruments that Ontario's businesses need to put people back to work and to keep people working. That is expressly what the Economic Development and Workplace Democracy Act has been designed to do.

This province is benefiting from the government's economic leadership. Tax cuts create jobs. Consumers have responded by spending to stimulate the economy. Large and small businesses across the province are creating thousands of jobs, and over the past few months small and large businesses in Ontario have responded to this more favourable economic climate by announcing substantial job-creating investments.

For example, I was in Sarnia recently for a ribbon-cutting ceremony that launched construction of a Dow Chemical Corp multimillion-dollar product development plant, the first new facility that Dow has built in that area in 24 years. It will create some 400 construction jobs over three years and many permanent jobs for the Sarnia community.

But I emphasize that that is a development plant and what we want to attract in Ontario as the next large investment is the commercial plant that should grow out of

that development plant, which would create thousands of jobs not just in construction but in the plant itself as well as the spinoff jobs arising out of that plant happening here in Ontario.

Then there is the Bayer Inc new multimillion-dollar investment, which was announced just last Thursday, a \$300-million expansion over three years featuring 200 construction jobs. As Bayer's senior vice-president Dr Gunter Hilken said last Thursday, "We are counting on the provincial government to provide a leadership role in a pro-growth, pro-job environment."

There are dozens of other job-creating, capital investment decisions just waiting to happen in Ontario, but actually making those investments happen, getting shovels in the ground and people on the job depends on the competitiveness of our construction industry. Plant construction costs in Ontario are still largely uncompetitive for major capital projects. For example, the folks in Sarnia tell me that Ontario's construction costs are approximately 22% higher than those in Alberta. The impact of such an uncompetitive construction sector is clear: Projects go elsewhere, jobs go elsewhere, infrastructure ages, skills migrate, opportunities are lost. We cannot let that happen.

As the speech from the throne indicated, this government is committed to creating competitiveness in the construction industry and, to do that, Ontario has to develop innovative ways to attract outside investment. Bill 31 would do that. It would enhance competitiveness in the construction industry by creating a framework to negotiate specific agreements for major industrial projects in Ontario.

Since we're talking about construction, think about this framework as the foundation on which a building is built. As everyone in this House knows, you don't just pour a foundation without some thought and preparation. Construction employers and trade unions have been discussing the development of such a framework for many months now and I've encouraged them repeatedly in those discussions. These discussions have helped shape the section of Bill 31 that deals with project agreements, and I'd like to spend a few minutes talking about why project agreements are important to construction industry competitiveness.

#### 1840

As members of this House know, Ontario has had province-wide construction collective agreements since 1978. Those collective agreements have helped create a certain amount of stability in the construction market, but they haven't allowed the flexibility that Ontario needs to compete nationally and globally for major industrial projects.

For instance, let's say you are running a major petrochemical plant and you've been given the green light to bid on a major expansion planned by your head office. You call up all the local trade unions you need to complete the project, electricians, carpenters, framers and so on, and you say: "We want to build a new multimillion-dollar facility that's going to create lots of construction jobs as well as a whole lot of permanent jobs in the community. How can we make this happen in a way that our Ontario

plant will win the bid to build this project?" You sit down with the unions and work out a winning deal and the upshot is that 90% of the trade unions involved support that agreement. But there's a wrench in the works. One union doesn't like the deal, even though 90% of the other unions do. According to the Labour Relations Act as it stands now, if you don't have 100% support of all the unions involved, the deal is dead.

Let's look at another scenario. All the trade unions agree to the project conditions, but halfway through the project one of the trades goes on a province-wide strike. The result is everyone drops their tools, work stops and the project effectively dies. What's the lesson here? Capital is more mobile than labour. If you start to tie up capital with labour delays, the capital simply goes somewhere else and so do the construction jobs, the long-term permanent jobs and all the spinoff jobs.

This bill would change that. It would amend the Labour Relations Act to allow variations to provide province-wide construction collective agreements for major industrial projects. The project agreement would be negotiated between the project's proponent, for example, the plant owner or the owner's agent, and the local unions for a specific project. Then, if the proponent plus 60% of the identified local unions ratify the agreement, if they agree, the agreement stands.

As well, Bill 31 provides that there could be no strikes or lockouts during the term of the project agreement if that is negotiated by the parties. That gives some security to both the proponent and the working men and women on the building site, and it's important to note that any of the identified local trade unions can object if the project agreement forces its members to accept disproportionate wages and benefit concessions.

The result of these project agreements would be a fair, mutually beneficial way for major construction projects to happen. These agreements would help large and small businesses compete for economically significant projects with the potential to bring thousands and thousands of construction and spinoff jobs into Ontario's communities.

What kind of projects are we talking about? One example is the project being considered by the multi-billion-dollar petrochemical sector. Then there are other innovative, high-technology-based industries which are looking to expand to meet the needs of their customers.

What kind of jobs might result? In the short term, lots of well-paying, unionized construction jobs for working men and women across the province. Over the longer term, however, this kind of investment opportunity will create even more of the well-paying, permanent jobs that are the bedrock of every community in Ontario.

Last week, the Canadian Chemical Producers' Association estimated that passage of this bill, the Economic Development and Workplace Democracy Act, would put Ontario in the running for more than 42,000 jobs in that sector alone. There are even more jobs just waiting to be created in other high-technology sectors. That is why both unions and employers agree that project agreements are the right way to go.



But while introducing this framework for project agreements is mainly about creating jobs, it is also about creating self-reliance, the kind of self-reliance that has become the hallmark of this government's approach to labour relations. Bill 31 would put the onus on the employer and the trade unions to work out a competitive, workable project agreement. They know what's best to get the project completed and the jobs created.

Passing the Economic Development and Workplace Democracy Act would also address another long-standing issue. It would ensure that only employers in the construction industry are covered by the special construction provisions of the Labour Relations Act. In the past, if a company hired a construction worker to build just one counter top and was certified, that company would be bound from that day forward to the province-wide construction agreement. This has meant that a whole range of employers, from your corner coffee shop to your local school, are lumped in with the big construction companies and are covered by these complex provisions of province-wide construction agreements.

It also meant that employers could not tender work to non-union contractors, many of whom are small business operators in many of our communities across the province. Bill 31 would change this peculiar job-killing situation. It would let those certified employers whose primary business is not construction, for example, retail employers, municipalities and school boards, negotiate agreements specific to the circumstances of their sector in the same way that other non-construction employers do.

This corrects the situation of these employers being bound by province-wide agreements that they have little opportunity to influence. In addition, employees of these non-construction employers would be entitled to certify and bargain collectively under the general provisions of the Labour Relations Act, and non-construction employers currently in bargaining relationships that are governed by the construction provisions of the Labour Relations Act would continue to be covered by the old legislation. These employers, however, would be entitled to ask for an order, if this bill is passed, from the Ontario Labour Relations Board removing such bargaining rights, provided the employer does not employ any members of the affected union when it applies.

We think this is a good, fair solution to a long-term problem. It would free several non-construction employers from legislative procedures that simply don't fit with their line of business. It would give those large and small companies and institutions the freedom to make local, job-creating capital investments without being bound by the province-wide construction provisions that they have no chance to influence. It would let non-unionized sub-contractors, who tend to be small business people across this province, bid on work for municipalities, for school boards, for retailers, that have up until now been restricted to unionized contractors.

As the title puts it so clearly, this bill would promote economic development and create jobs in the construction industry. It would make the construction industry more

competitive and it would level the playing field in terms of which employers are in the construction business and which employers are not in the construction business.

Having addressed the construction competitiveness part of Bill 31, let's look at the other aspect of this legislation, which is furthering workplace democracy. First, let's talk about some key, fundamental principles. The chance to vote is important. Respecting the will of the majority is important. Fairness is important. Self-reliance is important. In other words, democracy is important.

#### 1850

Democracy is about respecting those principles and especially about respecting the rule and the will of the majority. I think we would all agree with that. That's why we in this government have been confounded by this phenomenon of a minority voting in favour of union certification and then having the Ontario Labour Relations Board tell the entire workforce, including the majority of people who didn't want to join a union, that they are now union members, like it or not. This was clearly an unbalanced situation where workers' wishes were simply not respected in the certification process. The existing legislation is flawed and we want to remedy that.

I know that union certification is a complex thing. You need to determine the size of the bargaining unit, and as an aside, thanks to this proposed legislation, employers would be permitted to challenge union evidence on this point. You need to communicate well, letting workers understand the pros and the cons of union membership. You need to have a level playing field, since sometimes the union certification process can be open to misconduct both on the part of employers and on the part of unions. But we cannot let the important principles of workplace democracy be lost.

The simple fact is that, first, each worker should have the right to vote on whether to join or not join a union. Second, the wishes of the majority must be paramount. Automatic certification, even though it may have been applied with good intentions, has been a clear violation of these fundamental principles.

This legislation, if passed, would ensure that workers' wishes are both sought and respected at all times, because employees should not lose their right to choose whether to be represented by a union because of the misconduct of the management or the union. What about potential misconduct during the certification process? Quite simply, that kind of conduct is unacceptable and there are lots of powerful remedies that remain unchanged in the Labour Relations Act.

The Ontario Labour Relations Board has the power to order employers to rehire employees who have been dismissed as a result of the union certification process. The board can impose damages on employers if they act in an improper way. The board can force employers to pay the costs of the organizing drive. It can order the employers to pay employees to attend union meetings. It can order the employer to post signs explaining the behaviour of the employer. The same applies, I should say, to the unions if they act in an improper way during a

certification drive. The Ontario Labour Relations Board has a number of important and flexible powers to remedy an improper situation and to make sure that a fair vote takes place.

All this bill says is that employers, unions and the Ontario Labour Relations Board must guarantee an employee's right to determine unionization by secret ballot in all cases. This is an issue that is important to workers, but it's also important to Ontario's potential investors. They too need to have confidence in the certainty of Ontario's labour laws. These amendments ensure that the democratic rights of employees are respected in the certification process. They also send a message to all investors that workplace democracy is in place in Ontario and that this democratic spirit is part of our openness to business and investment and jobs. Stability in the labour market, as we all know, is good for job creation.

Finally, Bill 31 proposes that we finalize in law some important changes that make our adjudicative procedures more efficient. Among other issues, this bill calls for exempting industrial maintenance work performed by a construction union from strike and ratification vote requirements. This is something that both unions and employers have been asking for from this government.

In summary, the Economic Development and Workplace Democracy Act has been aptly named. It continues this government's long-term focus on strengthening the Ontario economy by introducing measures that would make our construction industry more competitive.

It would stimulate job creation and economic growth in a number of key industries. It is job-creating legislation that would position Ontario to attract economically significant construction projects which, in turn, create jobs. But it is also legislation that respects the rights of all workers to make the decisions that affect their working lives.

**Mr Bart Maves (Niagara Falls):** It's a privilege for me to rise and give some comments on this Economic Development Workplace Democracy Act. I would point out that the minister has had a great deal of consultations and discussions with labour groups, and in the construction industry with general contractors and sub-contractors. He has spent a great deal of time pushing these groups to a negotiating table to see if they could come up with industry solutions to some of the problems that are out there, problems that this legislation addresses. He's been very patient with that process, he's been very open about it and the legislation reflects the time he's taken in that whole process and the amount of consultation he's done.

The Economic Development and Workplace Democracy Act promotes economic development, the kind of economic development that this province has benefited from in the past three years. We are taking a long-term view of things, introducing the kinds of new instruments and initiatives that will put people to work and keep them working.

We are continuing to develop a climate in which this economy will continue to flourish. Bill 31 will play a large

role in continuing to develop that economic climate. The bill boosts the competitiveness of Ontario's construction industry. Like the majority of this government's initiatives, Bill 31 attracts investment and creates jobs.

I want to focus on the aspects of this bill targeted at Ontario's multi-billion dollar construction sector. It's an important economic sector, responsible for thousands of jobs and a significant percentage of Ontario's gross provincial product.

There are two key components to this bill's amendments to the Labour Relations Act which would increase competition in the construction industry. First is the creation, as the minister has alluded to, of project agreements. The second is in exempting non-construction employers from the construction industry provisions of the Labour Relations Act.

Let me deal first with project agreements. Project agreements, as the minister has talked about, create a framework to negotiate specific agreements for major industrial projects in Ontario. Currently, the Labour Relations Act provides for province-wide bargaining in the industrial, commercial and institutional sectors of the construction industry.

These province-wide agreements can only be modified by the parties' bargaining agencies, not by individual employers and local unions. Bill 31's amendments would allow project agreements that give all the parties involved the flexibility to negotiate specific agreements for major industrial projects.

For example, a short time ago a \$150-million project in the Sarnia area — I believe the company was Bayer — was about to be undertaken. They were going to build a chemical manufacturing facility. Twelve of the 14 trade unions that were going to work on that project agreed to project agreements, but because two didn't, the whole project was scuttled and did not go ahead.

Shortly after we announced that we had come to a resolution, that we were going to introduce this legislation, I think Bayer now is going to go ahead with the project. That's vital.

#### 1900

Nova, another petrochemical company which wanted to build a project in Ontario — I believe it exceeded \$500 million — has been hesitant to go forward and build their project in Ontario because of the lack of flexibility and lack of ability to come to some similar agreements as Bayer is looking for, project agreements which would make building in Ontario more attractive for them. Instead, they were looking to Texas and perhaps Alberta to build this facility.

One has to wonder how many large facilities like this we have missed out on already, and it's quite scary how close we have come to losing some. The legislation the minister has introduced is going to address that and we're going to be able to keep that work here.

I would note that it's my understanding that even the two unions that wouldn't agree on a project agreement in Sarnia earlier have actually contacted people and said, "Introduce something, because we kind of wish we had



had that project agreement so we could have gone forward with that project." So I think there is a lot of support, even in the construction union sector, for this type of flexibility.

I want to tell you what exactly a project agreement is. A project agreement will allow the unions and the building proponent to move away from the province-wide agreement, and this project agreement will set the terms and conditions for construction employees hired to work on that major long-term project of significant economic value. These terms and conditions, instead of those in the province-wide agreement, will apply instead of the otherwise applicable provincial agreements. Each agreement would be agreed upon in a democratic manner.

Local trade unions that would be supplying members to the project would negotiate with the project's proponent. If the proponent and 60% or more of the affected local unions approve the agreement, it would be binding on all local unions that were given notice of the negotiations. Project agreements would continue beyond the term of a general province-wide industrial sector agreement, regardless of strikes or lockouts elsewhere in that sector. This is very important, because it gives security to the project's proponent and to the workers on the project that it won't be interrupted halfway through. This is something vital to people looking to invest in Ontario. This type of security is absolutely vital to those folks, and that will bring us quite a few more jobs in Ontario.

What has been the reaction to this bill? Paul Nykanen, the vice-president of the Alliance of Manufacturers and Exporters Canada, said, "The changes regarding project agreements are a positive step to help Ontario's construction competitiveness and ultimately the competitiveness of the whole province."

The board of trade said, "These amendments look like a real gain." They are a real gain for Ontario's investment climate, for job creation and for continuing the kind of economic development this province needs as we move into the 21st century. I know the members opposite don't like to improve the investment climate in Ontario. We on this side of the aisle do. The result has been the creation of over 350,000 jobs in Ontario since we came into office, and I think those 350,000 people are quite thankful and grateful for that.

Let's go beyond that group. There are a few more people who have had very positive comments: "The Canadian Chemical Producers' Association...welcomed the government of Ontario's unveiling of amendments to the province's labour law as it relates to the construction industry." The "CCPA chairman...said: 'These amendments are good for Ontario as they will create a competitive and attractive environment for investment in the province. This, in effect, opens the door to a pool of potential new investment of some \$2.5 billion to \$5 billion.'"

As the minister alluded to earlier, that type of investment equates to 42,000 new jobs for Ontarians. We're not ashamed of creating work for Ontarians. That's what we were elected to do.

The members opposite wanted to know who else has had some positive comments about this bill other than businesses. I'll tell you some. In the *Observer* from Sarnia, Ontario, an editorial said, "Labour Bill Good for This Area," and I'd like to quote a little bit from this.

"A new provincial bill introduced Thursday is good news for Sarnia-Lambton.

"The Economic Development and Workplace Democracy Act addresses the issue of competitiveness in the construction industry. Specifically, the bill creates a framework for companies and unions to negotiate specific agreements on major industrial projects in Ontario.

"The changes, once they become law, will allow for what's known as project agreements, which help local firms complete for high-tech and petrochemical projects.

"The bill also makes the union certification process more democratic. For example, it ensures certification can only occur when a majority of employees support a union in a secret ballot. As it stands, a union can be certified to represent employees without a vote, or regardless of its results."

"Sarnia MPP David Boushy, who had a hand in the amendments, is all smiles today."

The very last line is, "'Be ready to invest,' is Boushy's mantra these days." The *Observer* says, "Be ready to invest indeed," because the *Observer* has the common sense to understand how much investment and how many more jobs this bill is going to help attract to Ontario.

I might add too that Mr Boushy and Mr Beaubien, two members of our government from the Sarnia area, do have a lot to be proud of, because they did work very hard to see to it that the Minister of Labour and this government moved on this issue of project agreements.

I'll give you another clip so that it's not just businesses that are commenting. Here is the *Timmins Daily Press*. What did they have to say about this bill? After talking about the project agreements and after talking about the automatic certification provisions, they said:

"Such proposals are a good idea, especially for those in the construction industry. Particularly since the act seems to curb the impact that a few smaller unions could have on business across the province."

#### *Interjections.*

**The Acting Speaker:** Order. I can allow only one conversation in here, and it must be the person who is recognized by the Chair and has the attention of the House. I can't allow other conversations.

**Mr Maves:** I know that the members opposite want to interrupt the *Timmins Daily Press*, but I'd like to continue. They said that they very much appreciate the proposal.

"It hasn't been that many years since projects across the province ground to a halt when one union decided to strike. Such actions created a financial hardship for many more people than those directly involved.

"They also sent a loud warning to any company wishing to do business to think again before coming to Ontario — not the message the government wants to send if it intends to ensure a healthy economy.

"We applaud the decision of the Progressive Conservatives to balance the rights of business with those of labour to ensure the province will attract more business and more jobs."

That's from the Timmins Daily Press and the previous one was from the Sarnia Observer. We couldn't agree more with those sentiments.

That's project agreements.

Another part of the bill the minister mentioned has to do with non-construction employers. This is an instance where a retailer or quite often some school boards in Ontario could go out and hire a carpenter who happened to have a union card. From that point on, as the labour law would be followed, that retailer or that school board would be bound to the province-wide construction agreements and could only use unionized construction if they did any for the projects. They're really not a construction employer. Their principal businesses, not construction, yet they are treated under our current labour law as a construction employer.

We don't really think that's quite right and we have made adjustments to that, so that if, for instance, a person who owned a doughnut shop happened to use a unionized electrician, that doughnut shop then would not be bound for the rest of its business life to use only unionized construction; it would be allowed to have perhaps a bidding process and could use unionized or non-unionized labour. We think that's only fair, so that only those whose principal business is construction can be bound to the province-wide agreement.

1910

We move along. There's an interesting part of the act right now in certification under the Labour Relations Act. A union can hand in signed cards when they're trying to organize a workplace, and if they have 40% of that bargaining unit sign cards, then they can have a vote on whether that workplace will become certified. One of the problems we have right now, which we feel is a little unfair, is that an employer may have 300 employees who should fall into a bargaining unit, and if the union trying to get certification says, "I've got 40 cards signed," and there are 100 people in the bargaining unit, what can happen under current law is that that employer can't challenge and say, "Wait a second; 40% before you have a vote. I've got 300 employees who should be considered, so having 40 cards signed isn't 40%."

Right now they don't have that ability to protest the bargaining unit the union puts forward. This bill clarifies this. The board can take the union's bargaining unit, conduct a vote with the people they say are in the unit, put those ballots aside, then go out and listen to what the employer has to say about what the bargaining unit should be. The board will determine the bargaining unit. After those determinations the board will determine if the 40% threshold for a representation vote has been met. If it has been met, the ballots from the representation vote will be counted and if the majority prefer a union, the place of business will be certified. If it has not been met, the ballots from the representation vote are destroyed, the

certification qualifications have not been met and that place would not be unionized.

Those are some things that are in Bill 31. The minister talked about automatic certification provisions in the bill. The Windsor Star —

**Mr Wildman:** On a point of order, Mr Speaker: This is interesting. I would hope we would have a quorum present to hear. Is there a quorum present?

**The Acting Speaker:** I'll check and find out. Would you see if there is a quorum present?

**Clerk at the Table:** A quorum is not present, Speaker.

*The Acting Speaker ordered the bells rung.*

**Clerk at the Table:** A quorum is now present, Speaker.

**The Acting Speaker:** The member for Niagara Falls.

**Mr Maves:** I know my colleague from Simcoe West has some thoughts that he wants to put forward on this, so I will close by reading again from the Windsor Star, a paper in a really good union town. I want to tell you what their comment was on this legislation. They give a rose to Jim Flaherty.

*Interjections.*

**Mr Maves:** It's a rose.

"Provincial Labour Minister Flaherty has introduced legislation that would take away the Ontario Labour Relations Board's power to overturn the results of union certification votes. The board has had the power to override the results of certification votes if it found there was misconduct on the part of an employer or union that influenced balloting. At the east side Wal-Mart store in Windsor, for example, the board ordered union certification even though workers voted 151-43 against a union drive. Under the proposed legislation, the board must recognize the majority outcome, but could still order a new vote if it believes the vote was unduly influenced."

I must tell you that the board, in this legislation, has a lot of other remedies if they find out there's undue influence upon the employer. For instance, they can order the employer to pay damages; they can order employers to rehire employees if they've been dismissed unfairly; they can force employers to ask employees to attend a union meeting; they can post signs explaining the behaviour of the employer was wrong. There's a wide variety of remedies that the labour board has at its discretion if the employer is acting improperly during a certification drive, and then if they have another vote, those remedies will make sure that vote is a true representation of people's feelings about a union.

I'd like to congratulate the minister on this bill. I'd like to reiterate my congratulations to Mr Boushy and Mr Beaubien, who worked so diligently on this bill. I know one of the places in this province that is going to see immediate investment and immediate job creation is the Sarnia area. Those two members are to be congratulated for their efforts.

**Mr Joseph N. Tascona (Simcoe Centre):** I'm very pleased to follow the member for Niagara Falls and the honourable minister.



I'd just like to comment on the title of the bill, Economic Development and Workplace Democracy Act, 1998. The job creation record of the government certainly has been very good. There are some recent statistics with respect to the job creation. Since the election in June 1995 there have been 338,000 net new private sector jobs created in Ontario. Also in the month of May 1998 there were 13,300 net new jobs created in Ontario. Ontario's unemployment rate has continued to decline from 7.2% in April to 7.1% in May of this year.

It's a fact that all the jobs created in Canada in May were created right here in Ontario. As a whole, Canada lost 7,300 jobs and the national unemployment rate remained at 8.4%. That's a fairly staggering figure, considering the way Ontario has been performing. We're basically carrying the country.

It's very important to note that not only is Ontario leading all the provinces in job creation and employment growth; predicted in the 1998 Ontario budget by the Ministry of Finance is a 1998 job growth rate in the 3.5% to 4% range. That's very good news for Ontarians.

I think it has a lot to do with the initiatives that have been taken by the Ministry of Labour throughout the mandate of this government. They started off with Bill 7, an act to kill Bill 40, the job-killing legislation of the previous government; Bill 8, which was removal of those unfair quotas in terms of fair hiring; Bill 15, which was an act to increase efficiency in the administration of the Workers' Compensation Board; then Bill 49, which is another piece of legislation which was to increase the efficiency of the Employment Standards Act; that was followed by Bill 99, which was the reform to the Workers' Compensation Act.

These are fundamental changes that have resulted in a very improved situation for employers and workers throughout the province, because these are fair and economic changes.

I applaud the Ministry of Labour because it's taken a number of initiatives, tough decisions that had to be made to redress the wrongs and not only the stupidity of the previous government.

I'm going to focus on the bill, Bill 31, which deals with a couple of aspects. I want to deal with economic fairness, which deals with the non-construction sector aspect of the bill. I also want to deal with the workplace democracy part, which deals with the section 11 part of the bill that deals with representation votes.

In dealing with the non-construction sector, the changes that have been brought about through the bill are fairly straightforward. They address the anomalous treatment of non-construction employers such as retail stores, schools and municipalities by removing them from the construction industry provisions of the Labour Relations Act.

1920

Non-construction employers may be bound by a province-wide construction industry agreement; however, they have very little ability to influence the negotiations which result in such an agreement because of the way the system works.

If you're a non-construction employer that happens to be working on a construction project, for example, a school board doing some renovations, and you're unionized by a union with a designated trade in the province, what happens is that you're bound by the industrial-commercial-institutional sector under the Labour Relations Act and you're automatically party to the provincial ICI agreement for that particular union. That's just by doing one project, and you're not even in the construction industry.

I give you an example, which was a case that involved the Windsor Board of Education, where the board of education undertook the renovation of classrooms, the alteration of washrooms and showers and the installation of handicapped washrooms, which included a substantial capital outlay. It was determined by the Labour Relations Board to be an employer carrying on business in the construction industry, notwithstanding that it was also the owner of the property. There's a situation where you have a school within the school board. They're not in the construction industry. They're there to provide education. They get involved in a renovation project and they are automatically bound to become certified by the ICI sector of the Labour Relations Act. That's one of the wrongs we're trying to correct.

It's obvious that these provincial ICI agreements were not designed for non-construction workplaces. They're designed for construction contractors. It's very inappropriate for employers to be bound by an agreement over which they have virtually no control and which does not fit their workplaces. When I say "no control," that's because province-wide ICI agreements are negotiated by employer agency groups and the large union. They negotiate every three years through their respective bargaining agencies. The school board would just be a minor player there because it's not in the construction industry. Yet when they negotiate the agreement, because they're bound by that agreement, they have no input but they continue to be bound and all the changes that are put in there are made a part of their agreement.

Those are some of the changes that I think are very important. That applies, for example, to a car dealership that wants to do a renovation project. They're in the car business. They're not in the construction industry. Same with a coffee shop or a doughnut shop. They're doing some renovations and they get unionized and they're part of the construction industry provisions.

We're changing that. I think it's very fair and I think it creates what we call economic fairness. It also brings some common sense to the situation because non-construction employers shouldn't be bound by the construction employer provisions under the Labour Relations Act. That's just a fact.

With respect to section 11, it's a very interesting area, dealing with workplace democracy essentially. The section 11 provisions deal with a situation where there have been unfair labour practices in the board's determination, which should do away with the representation vote results and automatic certification for the trade union.

As to the changes to what we call certification decisions, which should be based on votes, if passed, the bill would eliminate the Ontario Labour Relations Board's power to override the results of a secret ballot vote. Employees would have the opportunity to determine, in every case, by secret ballot whether or not they wish to be represented by a union. That's a very fundamental situation where you have an employer who has acted improperly, imposing their will on a situation which will bind their employees. The principle of labour relations is the majority principle. It should be a majority of the employees in their wishes want to be bound by a trade union.

What section 11 does is impose a situation where the labour board, notwithstanding their wishes not to be bound by a trade union, but because of the actions of the employer, has determined they should be punished for those actions. It results in the employees being put in a situation where they're bound by the board's decision and they become certified. That's unfair to the employees.

How that can be dealt with and the remedy the minister has put forth through the bill is that the board can order sanctions and another representation vote will be held. But it will always be a representation vote that will be the final decision-maker with respect to whether employees are bound by a collective agreement. That's very fundamental because that's the way workplace democracy should work. That's also supported by the statistics. We're not looking at something that happens on a regular basis.

I was looking at statistics with respect to the number of automatic certifications. In 1992 there were three, in 1993 there were four, in 1994 there were two, in 1995 there were four, in 1996 there were three, and in 1997 there were six. With respect to the number of certifications, the number of certifications that are filed far exceed this. I'd just like to refer to the Labour Relations Board's annual report covering the period 1994 to 1997. The statistics that are provided in there are very significant. What they show for the period fiscal years 1992-93 through to 1996-97 is that with respect to the certification of bargaining agents, the number of applications received for that period was 4,547. What we're looking at is —

**Mr Wildman:** So it's not really a big problem.

**Mr Tascona:** That's right. The application's automatic certification isn't a major problem in terms of those figures. It's very fundamental to be fair to the workers. That's not a remedy that is often awarded by the board, but the fact of the matter is the statistics reveal that it's very important that when you're dealing with certification, because of the number, the employees' wishes are represented.

It's also important to note the results of representation votes conducted in the fiscal year 1996-97; there were 596 certification votes held in that period of time. That's a very significant number, considering the number of applications that were disposed of during that period of time was 656.

When we're dealing with section 11, what we're dealing with is really a fundamental attempt by the Min-

ister of Labour to bring workplace fairness into the situation. The statistics support him because automatic certification is something that should not be imposed on the employees. They have a right to vote. They should be given that right to vote. They should be able to decide their own future. It's a very fundamental decision because what it results in is a third party negotiating their terms of employment rather than themselves. We have to protect that. That's a sacred right. It's as sacred as the right to work. I say that the right to be represented not by yourself but by a third party should be made by the employees.

When we look at what's happening out there with respect to section 11, the provinces with automatic certification provisions include British Columbia, Manitoba, New Brunswick and Nova Scotia; whereas Saskatchewan, Quebec, Newfoundland and Prince Edward Island allow for automatic certification without a vote where the union proves adequate membership support. Bill 7 removed a similar provision from the Labour Relations Act.

The bottom line is that Ontario is not only leading the country with respect to job creation and economic growth, it's also leading the country with respect to making sure that it has fair and equitable labour relations legislation, because it's very fundamental. When you're dealing with legislation that through the previous government was overtly and intentionally directed towards benefiting trade unions, we have to bring it back and we have to bring it in perspective so that employees have their rights protected in a fair and equitable manner. I say that section 11, the changes that have been made are long-overdue. They complement what the government in its wisdom put forth through Bill 7, because representation votes are something that employees should have a right to have, and it shouldn't be circumvented by an employer's actions or through the labour relations process or a legal process.

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Let's just keep it simple. If you want to have a trade union, the trade union knows there's going to be a vote and they're going to have to win the hearts and minds of the employees. They can't impose — I wouldn't say "imposed," I would say violated by the Labour Relations Act, essentially. When you look at the Wal-Mart case, where there was overwhelming support for not having a union, yet the board imposed a union. What does that create? That doesn't create good labour relations. That's not even good labour relations sense, when employees do not want to be represented by a trade union. They don't want to be represented by a third party.

When you look at the current construction industry situation that's going on in this province right now, the minister has taken a very major step forward with respect to project agreements in the industrial sector, and also recognizing the unfairness in the non-construction-sector employers. But there are other changes that I believe should be made also, because right now we're going through, as we do every three years in the ICI sector and the residential sector, a lot of labour relations activity. Quite fundamentally in the residential sector, they've had



19 strikes in the last 10 years. Especially in my riding of Simcoe Centre, there's been a lot of interference with non-union employers because of this type of activity. It's not right, because it's affecting people who want to move into their homes; it's affecting non-union employers with respect to layoffs. It's a situation where I think, when you look at the construction industry — it hasn't been looked at since 1980 — these are some fairly fundamental steps the minister is taking. I obviously hope that he takes further steps in looking at the construction industry.

In closing, I support this bill. I think it's fair. It deals with construction competitiveness. It's also a complement to the government's strategy with respect to economic development, because the best security anyone has in this society is a job. That's what we're trying to do, produce jobs, and I think the minister's initiatives are contributing towards that.

**The Acting Speaker:** Comments and questions?

**Mr Mario Sergio (Yorkview):** I'd be delighted to make some comments on the minister's presentation of the bill and on the other members' comments.

I just want to address the introduction that the minister made in saying that tax cuts have been done with the intent of creating jobs and spurring the economy. I have to say to the minister and the members of the House that if this was the only intent, then we have a truly big problem on our hands. I think the minister realizes, as the member realizes, as I do, that the minister is not the only one pushing legislation. I believe that he may have difficulties with it, as he has other people behind him who push a government's will to do certain things its own way and not necessarily in the minister's way.

If the Premier, the Minister of Finance or any other member of the House were to ask the people out there, "What would you like to see, a tax cut or reasonable tuition fees for college or university students, medical students?" they would often say 100%, "We would rather have reasonable tuition fees." If you were to say, "What would you like to see, seniors being kicked out of their houses because they can't support their taxes any more, or a tax cut?" they would rather say, "We'd like to support the seniors staying in that particular house." If they were to be asked, "What would you like to see, reasonable health care for everyone in Ontario or a tax cut?" they would say, "We'd like to have the peace of mind in knowing that when needed, we have access to a hospital and reasonable health care in Ontario." So the tax cuts really have nothing to do with creating jobs by giving \$6.5 billion to the rich.

**Mr David Christopherson (Hamilton Centre):** In response to the government's hour-long propaganda, first of all let's acknowledge that everything they talked about in terms of support was always on the employer side, it was always on the investor side, and everyone acknowledges that is indeed an important part of the equation. But just as equal, contrary to the priorities you set, are the workers who are affected.

Pat Dillon: You made reference to his comments. He's here tonight. I want you to put on the record all this great

support you say he's offering up for this bill you've got on the floor today.

Wayne Samuelson, president of the Ontario Federation of Labour, is here today representing the workers who are impacted by this. Why don't you tell me how much you think he supports this?

I see John Carpenter from one of the building trades. There's Wayne over there. There's a whole flood of labour leaders here. I'm going to make sure they're all mentioned, so make sure your names come to me so I can acknowledge and show who's here.

Your corporate friends, of course, are at home salivating because they know you've got the majority to ram this through, Minister. But the workers are here in person to look you right in the eye and say once again you're attacking them, you're attacking their right to belong to a union and you're attacking their standard of living. That's what this is all about.

Let me say again to the member for Simcoe Centre, I believe, I can't believe that a government member would want to stand up and talk about defending their track record on labour relations by mentioning Bill 7, which has brought scabs back to Ontario; Bill 15, which denied workers the 50% say the NDP gave them on the Workers' Compensation Board; Bill 49, where you took away rights from people who don't have the benefit of a collective agreement; and Bill 99, where you took \$15 billion out of the pockets of injured workers and gave \$6 billion to your corporate pals. That's your track record.

**Mr Frank Sheehan (Lincoln):** I would like to compliment the minister for bringing forward this bill, but my compliment has to be just a little bit moderated because I think he was a little reluctant to go as far as he might have. However, having said that, I get concerned about this automatic certification. I know of three small businesses where the union organizing these businesses threatened to do a section 11 on them; namely, claim unfair practice. One company signed on in agreement and the other two are pending a decision of the labour relations board.

I can talk more so about automatic decertification. There's a family-owned business in Sarnia. The father sold it to the sons. They had 26 employees. They're now down to two: the sons. The father was relying on this as his pension cheque. He has not received a cheque in two years. I think the automatic certification should have been complemented by an easier way to decertify.

I have a one-man electrical contractor in my riding who's been trying to decertify his company for two years. He's having a hard time getting a majority, I understand, or it might be that the legislation is just causing him a little bit of a problem.

I think the minister also could have addressed some other issues such as the overtime issues. Currently the ministry cranks out certificates to permit corporations and businesses to run overtime, but the legislation is locked back in a time warp, at something like 44 hours, which does not reflect modern-day just-in-time delivery problems; it does not recognize changes in the classifica-

tions of work. People are covered off and maybe they're management and maybe there are workers. It doesn't allow for the fact that these standards are different today.

I think the minister is to be complimented on what he has offered here.

**The Acting Speaker:** Comments and questions? The member has two minutes to —

*Interjection.*

**The Acting Speaker:** I don't want to pretend I'm pulling the trigger kind of fast here, but if you're going to be speaking on behalf of this, then I'd like you to be up and presenting yourself. The Chair will recognize the member for Oriole.

**Mr David Caplan (Oriole):** I was really fascinated by the minister's comments regarding youth employment in this province. The track record of this government is absolutely abysmal when it comes to the young people in this province. The unemployment rate for young people, for youth, is absolutely double that of those over the age of 25. That's a shameful record. This government has done absolutely nothing to help young people, to assist them to find employment. I am shocked that this minister would invoke youth as any part of this bill.

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It's interesting. My colleague the Minister of Education and Training announced that there would be significant changes to Ontario's apprenticeship laws. I'll be speaking later this evening and I will address some of those concerns. If you think young people are going to want to get involved in building trades, in any trades in this province because of this piece of legislation, you've got another think coming. There's nothing in Bill 31 which makes a young person want to go into an area where their wages are going to be reduced, absolutely no incentive. For this minister to suggest at all that this piece of legislation is going to go anywhere towards helping the young people of this province, I have to tell you, Speaker, I am incensed.

I have to put on the record my utter disgust at the minister's comments and the lack of action by Mike Harris and the disregard that this government has had for the young people of this province. I would hope there would be some proactive measures to help and assist our young people to make the trades a much more attractive possibility for them.

**The Acting Speaker:** The minister from Durham Centre has two minutes to respond.

**Hon Mr Flaherty:** I listened with interest to the comments of the member of the third party, the member for Hamilton Centre. He's so concerned about this bill, he says. This bill was introduced last Thursday and there has not been one question from the NDP, from the third party, that says it's so opposed to this bill, says it's so concerned about this bill. Let the truth be out: not one question in question period about this bill from this so-called greatly concerned party.

We have a common goal of creating jobs in this province. Negotiations have taken place involving the building trades, involving the various participants, particularly in the petrochemical sector. They have not been able to

bridge the gap. They have not been able to arrive at that agreement that would permit these thousands and thousands of jobs to happen in Ontario.

We are bridging that gap. We are providing that framework within which the unions will be able to negotiate with the proponents of the project. Surely that's a good thing. Surely every reasonable union leader would want good union jobs in this province — not down south, not in Alberta. Some of you want to send jobs south.

**Mr Christopherson:** Why are they opposed, Flaherty? Why are they here? They have nothing else to do?

**The Acting Speaker:** Member for Hamilton Centre, come to order.

**Hon Mr Flaherty:** You want to send jobs to Texas. You want to make our skilled workers have to leave Ontario, leave Sarnia-Lambton and move to Alberta. Well, we don't. We want to keep these good, well-paying union jobs in Ontario, not in Alberta, not in Texas.

**Mr Christopherson:** That's the best argument you've got. If you've got something to say, put it on the record. You had something to say about Pat Dillon.

**The Acting Speaker:** Order. Member for Hamilton Centre, I will not warn you again.

Further debate?

**Mr Sergio:** I'm pleased to join the debate on Bill 31, a very important piece of legislation, I have to say. Before I do that, I would like to ask for unanimous consent on a couple of things. One is the deferral of our lead time on this bill and the remaining time split among myself, the member for Yorkview, and the members for Oriole and Prescott and Russell.

**The Acting Speaker:** Mr Sergio has requested unanimous consent to stand down their leadoff time and to share the time among their numerous members here. Is it agreed? It is agreed.

**Mr Sergio:** Thank you very much, Mr Speaker, and members of the House for allowing us this opportunity. Also, I'd like to recognize Pat Dillon, who is the business secretary of the Building and Construction Trades Council of Ontario, a member, I have to say, long affiliated with the construction industry who for a long time has been voicing the concerns of the trade workers in the construction industry. He's also a very frustrated member of that association with respect to the negotiations during the preparation of this legislation with the ministry staff, and I think has been a very tireless promoter of workers' rights. I find it terribly unacceptable that the ministry couldn't find a workable, acceptable solution for those members and the members they represent as well. So I'd like to welcome him myself.

Addressing Bill 31 in the time that we have allotted, and I'll try and cover as much as I can within that time, let me say that, as in previous bills introduced by the government, this one is also terribly flawed. I would dare say we haven't seen the end of this bill, and I wouldn't be surprised if the government, and the minister on behalf of the government, is already working hard, relentlessly, on amendments. I wouldn't be surprised. I would also hope that the minister, being in the House here tonight, will



consider, once this goes through second reading, that we will have a reasonably extensive period of time for public hearings, consultation with not only the opposition side but also members of the construction industry.

I believe from what I can read in this bill, the way again it has been presented and drafted, that Bill 31 is nothing more than an act to promote confrontation and remove whatever incentives we now have for frank, open, democratic negotiations, rights, if you will, of the individual construction worker.

The bill was introduced just a few days ago and it does, I would say, two major things, among a few others: It amends the special provisions of the Labour Relations Act for the construction industry — and when I say construction industry, I don't know if the minister mentioned it, I didn't hear it, but it's specifically the industrial-commercial-investment section, since the residential sector and the commercial sector are eliminated. I have to set the stage, just in case I either forget or I don't have the time, that for whatever reason, the other sectors have been left out. But the minister, as I said before in a couple of other attempts, has retained the sole power to regulate at his own will whichever projects would fall within this particular new guideline. Speaking of red tape, I would say here we go again.

How are we going to accomplish all of that when the minister says, "This is what we're doing for the creation of jobs, for the economic improvement of our economy here"? Yet funding has been cut severely. Staffing has been terribly reduced, and that increases the responsibilities on whom, Minister? Those are some of the things this bill does with respect to creating that democracy or democratic process which I believe we have now in the construction industry.

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It also eliminates whatever uniformity we have now within the negotiating process. That is lost, I would say, with the introduction of Bill 31. I hope, Minister, that you will surely consider what we have to say in this House, but in the meantime I hope you will hear from the construction industry and other groups and that indeed you will bring those necessary amendments and present them quickly so that we can debate them openly in an open forum during a public hearing.

What else does this do? It changes quite a bit how we conduct business in the industrial-investment field nowadays. This gives more power to the Labour Relations Board; it gives power to one, sole, individual contractor; it gives power to one, sole, particular person "on behalf of"; it gives more individual powers to a lobby or lobbyist group "on behalf of". All of that can be done and can be negotiated on certain terms and those terms, I have to say, are not in favour of those trades workers, because now certain other workers are no longer being considered to be part of the building trades industry.

Those conditions are all included to favour only the employers' side. Let me say that I have nothing against employers, I have nothing against developers. They are entitled to put their money and make a profit. I have

absolutely no problem with that. The thing is that this government has continually attacked individuals and individual workers' rights within the building industry and in other areas as well. We have seen this with the Workers' Compensation Act, removing whatever rights of those poor workers in low-paying jobs, working hot and sweaty or cold or whatever in industrial factories. They have removed those rights and they have given more powers, tilting the balance completely on the other side, to the employers.

I don't think that is fair. I don't think that would create the atmosphere, the aura that perhaps, with all due respect to the minister, he intended to create in principle when he started to draft this bill. But then, as I said at the beginning, he has other people behind him who say: "We have an agenda here. We have to do it in a certain way and it has to be our way, regardless of what the people out there say or what the opposition members say in this House." We find that quite unacceptable.

Those conditions have changed. It means now that the minister is telling the general workforce, the industries what a large, small, medium or extra large project is all about and what a union can do and what the rights of those trade unions are. I find that quite appalling. Only 60% of those workers affiliated with the construction industry would have to say yes and then the rest would have to abide, rightly or wrongly, by the decision of those 60 so-called affiliates of the construction industry.

What about the others affiliated with the construction industry? They are not being treated the same, either because of the working conditions or paying jobs or whatever. They would have to go along. Are we saying, Minister, that the rights of those other trade workers are protected? I don't think so. I would hope that you would take that into consideration and seriously look again at how flawed your bill is and make amends.

Oh, sure, we may say that they have a right to appeal to the so-called Ontario labour board. We know how easy it is to do that appeal but how difficult the process is to go through for a worker. So really when we say "promote development" — because the big Ontario corporations have demanded it. Why this doubletalk? I don't want to be harsh with the minister because I know for a fact that he has a heart, he has a soul, he has certain feelings for the trade workers out there. But why have doubletalk? We say: "Look, we've been creating hundreds of thousands of jobs. The economy's booming." If that is the case, why are we continuing to pick on the poor workers, if the economy is doing so well? Is it possible when the economy is doing so well that big corporations are suffering? Who is doing well, if not the big corporations? I ask the minister. Aren't the big corporations doing better, the best, if you will, in this particular economic time?

With all due respect to the minister and the members in the House, don't tell me that it is their policies that have created the present environment. Absolutely not. They ought to be very thankful for a very stable Canadian dollar, for a very stable Canadian interest rate, if you will, for a very friendly south-of-the-border President and a

booming US economy and, I have to say, with all due respect, with the exceptions of a few spots here and there, a very warm global economy.

**Mr Steve Gilchrist (Scarborough East):** That is why our dollar is at the lowest level ever. Are you proud of our federal cousins?

**Mr Sergio:** When they hear that truth, the member for Scarborough East doesn't like it because it is the truth. I wonder where he would have got \$6.5 billion if it wouldn't have been indeed for a wonderful Canadian dollar and low interest rates, and yes, the construction industry is booming. If you didn't have that, Minister, you wouldn't have this bill here today and you wouldn't have got the \$6.5 billion from the most needy. The truth hurts, but the fact is that you cannot run away.

**Mr Wildman:** On a point of order, Mr Speaker: I am just wondering if there is a quorum present.

**The Acting Speaker:** I will find out for you.

**Clerk Assistant:** A quorum is not present, Speaker.

*The Acting Speaker ordered the bells rung.*

**Clerk Assistant:** A quorum is now present, Speaker.

**The Speaker (Hon Chris Stockwell):** The member for Yorkview.

**Mr Sergio:** Mr Speaker, I believe I have a couple of minutes left, since we are sharing time on our side here. Let me again remind the minister, when they keep on saying, "We have created so many thousands of jobs," I have to say that even members of the government side themselves agree that their policies in creating jobs, especially for young ones, have been a totally dismal affair.

I would like to say to the minister, concentrate on creating jobs for those people. Don't think always about the multinationals, because the multinationals can think for themselves. But the poor people we have in our province, the unemployed, the young ones who are coming out of college, university or some trade schools, are looking seriously to find that first employment.

As it is, I would find it very difficult to support this bill as presented with all the flaws that it encompasses. I would hope that perhaps if the minister considers bringing in those necessary amendments and going through public hearings and whatever we may get from the construction industry and other groups, we could find some consensus and some position where we can find it more acceptable.

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**Mr Jean-Marc Lalonde (Prescott and Russell):** I am pleased to rise and speak on Bill 31. But one thing I am really surprised at in this bill is that we haven't done anything to protect the Ontario construction workers. When I say we haven't done anything to protect construction workers, at the present time we know that there are 19,000 fewer jobs in construction in Ontario compared to seven months ago. That is, over a period of seven months, according to the labour construction employment research document, we have 19,000 fewer jobs this year than we had seven months ago.

But looking at this at the present time, we know that we had a public hearing in Ottawa on June 1 because we have

received many, many complaints about the Quebec construction people coming into Ontario. When we look at the numbers of jobs that we lost in Ontario — in the Ottawa-Hull area, for example, they say there are 13,000 construction workers crossing the bridge every day to come and work in the Ottawa area. When you take those 13,000 jobs and the 19,000 jobs that were lost, I think there should be something within this bill that would protect the Ontario construction workers.

In Ottawa on Monday, June 1, a week and a half ago, the Quebec construction people were complaining at this panel. The panel was formed of three MLAs from Quebec and three MPPs from Ontario. We had additional MPPs from Ontario in the audience also. The complaint that we received from the Quebec people — and I think we should look at it very closely — the plumbers and the electricians especially were saying they have a hard time coming to work in Ontario. I said, "Good, because right now we have all sorts of difficulty going to work in Quebec."

In Ontario there are 11 municipalities that require plumbers and electricians to have a master's licence. I think this master's licence should apply, should be within this bill, that it should be required to work in any municipality in Ontario for every trade, not only plumbing or electricians. This way we would make sure that we are protecting the Ontario construction workers' jobs.

At the present time also, when I looked in the report, over a period of three years there was a total of over \$50 million of WCB claims to people with Quebec addresses working in Ontario: \$50 million of claims. We have the report that I could give to the minister. This report was given to me by the WCB office. Over 5,000 claims — 5,117 claims — were submitted to the WCB.

Why? I've been to many construction sites. I have been with a video camera to film the construction sites, especially in the Nepean riding. At the present time, we know there are two major schools under construction and there is Nortel under construction, all controlled by Quebec construction workers. It's a good thing that Nortel has PCL as the general contractor, but the subs and the high school in Barrhaven, taken over by the Quebec people.

I don't have anything against the Quebec construction people as long as we have a level playing field, which doesn't exist. When I look again at the number of WCB claims that we have paid, it's because we don't have the health and safety officials in place. We don't have the inspectors in place. I walked into one of the construction sites and there were 10 people as bricklayers. I looked at them. They had running shoes and no hard hats. Then it would end up that we Ontarians would have to pay for the WCB.

If the minister would think about having a clause in this bill that we could leave that to the building inspector of the municipality — they are properly trained; they have a major responsibility to make sure the construction is built according to the Ontario Building Code — then they would be right on the spot to catch those people who are working and are costing us an awful lot of money because of all the WCB claims that we get.



This government has been saying, "Let's give the power to the municipalities." In this case, we could do it. We could turn around and say to the municipalities: "Do you want to make an extra buck? We'll give you the responsibility of going to every construction site to make sure that health and safety standards established by the Ministry of Labour are followed." This way, we would be sure that we would protect our construction workers.

**The Speaker:** Questions and comments?

**Mr Wildman:** I listened carefully to the comments of my friends from Yorkview and Prescott and Russell. I know the passion with which the member for Prescott and Russell speaks about the difficulties in the construction industry between Quebec and Ontario, particularly in the Ottawa area, on the border. I understand his views. I listened carefully to the member for Yorkview, and I must say that I wasn't quite certain what position he was taking on the bill except that he said it was flawed. I wonder if he is aware that the project that apparently is used by the minister as the reason for one of the provisions in the bill, the Bayer project in Sarnia, was completed last year, with construction being done by union members at union rates.

At any rate, neither the member for Yorkview or for Prescott and Russell mentioned the other sections of the bill. I really would be interested in finding out what the Liberal Party's view is of the Wal-Mart section, the section that essentially says that if an employer intimidates the workers during a union drive, the Labour Relations Board will no longer be able to consider that evidence and then order certification, but rather they would simply be allowed to order another vote. Then the intimidated workers could be further intimidated as they go to a second vote.

I really wonder what the position of the Liberal Party is with regard to that section of the bill, which, in an Orwellian way, this government calls workplace democracy. George Orwell would be proud. The way this government names legislation is really bizarre. Black is white and white is black. Workplace democracy has nothing to do with this bill. I'm sure the Liberal Party members agree, and I'd be interested in their comments on this regard.

**Hon Mr Flaherty:** The member for Algoma and I will simply have to disagree. I respect the majority views of workers, and if he does not, we will have to disagree.

The member for Yorkview was concerned that 60% of the unions, of the bargaining agents, could agree on a project agreement and 40% would not. With respect to the member, that's the problem. That's why we need project agreements. They've been negotiating for more than a year. They have not been able to arrive at a way of resolving this themselves. That's why the government has to act. That's the whole issue with respect to project agreements. That's why we're bringing this solution forward, so that the proponents and the builders and the contractors and the building trades will have these projects here in Ontario, so that the thousands and thousands of unionized construction jobs will be here in the province of Ontario and not on the Texas Gulf coast and not in the

province of Alberta. That's why we need this framework, so that the parties can negotiate within that context. Hopefully, these project agreements will become very successful in the province and attract those projects here so that those high-paying unionized jobs will happen here in the province of Ontario.

It's not just those construction jobs. After those construction jobs, it's all the jobs in the plants that are built. And it's not just those jobs, it's the jobs that come after that, the spin-off jobs. This is wonderful news for the province, for unionized workers in the province of Ontario, that they'll have these high-paying, skilled jobs in the construction sector and that their votes will be respected; that if they voted for a majority it'll be respected, but that minorities will not dominate majorities, not in the province of Ontario, not in our workplaces.

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**Mr Caplan:** It's always fascinating to listen to the spin of the Conservative government when they talk about consulting. Both of those words start with "con," and I think that's what they're trying to do to this province, to the workers of this province, to the opposition of this province and the people of this province. It's just a con.

I would share with the government members the words of one of their own. The member for Eglinton, the former Minister of Economic Development, Trade and Tourism, Bill Saunderson, said, "Ontario is leading the industrial world in competitiveness." On October 14, 1997, in a newspaper article, he said that Hamilton, Sarnia, London, Toronto, Sudbury and Ottawa all compared well against the rest of the world. Isn't that amazing? Bill 31 and the minister's comments say that these jobs are going to Texas, to Mexico, to Europe. Yet Bill Saunderson, your colleague from Eglinton, Minister of Economic Development, Trade and Tourism, said we lead the world in competitiveness.

I know that the members opposite would not want to cast aspersions on their colleague from Eglinton, but they might want to inform their colleague the Minister of Labour about the comments of the member for Eglinton, because he is well respected and I know that when he speaks the members opposite listen. When he says we lead the world in competitiveness, the members should heed that. I say here and I say now that I agree with the member for Eglinton.

**Mr Christopherson:** When the member for Prescott and Russell talks about construction workers in Quebec versus in Ontario, this bill, as far as we can tell, does absolutely nothing about that. He's right to raise that. The government will know that when we were in power we took the first steps with an interprovincial agreement. Granted, it did not resolve all the problems, but it did lay down a number of solutions that dealt with some of the problems immediately, but more importantly laid out the path that would lead ultimately to resolving these very serious discrepancies.

As we know, these are not simple matters. No one is suggesting they are. Given that this is probably the only discussion it'll get this evening, it's important to mention

the fact that federation and constitutional matters do impact on this. The relationship between Ontario and Quebec is a key part of the constitutional discussions that make up our whole country.

But at the end of the day, I agree with the member that there needs to be something more done, and the government to date has not focused on any labour issues that affect workers directly, other than to attack them and take away their rights. Every labour issue that's outstanding, such as this interprovincial agreement, that would have the effect of benefiting workers is either shuffled off to the side completely or, at the very most, pushed to the back burner and forgotten about. That's the litany and the record of this government.

**The Speaker:** The member for Yorkview has two minutes for a response.

**Mr Sergio:** I'm fascinated by the political aroma that sometimes permeates this House, especially when I hear members of the NDP loathing the PC side. I have to forgive the member for Algoma, because he's the whip tonight for the third party and he was busy whipping two people, so he was not listening to my presentation. I have not deviated from the position of the Liberal Party. Our position has always been and will be to defend the rights of the workers.

I want to address my comments to the minister again: do not tilt the balance completely on the other side, because the ones who will keep them moving are the people working in the trenches in the construction industries, and we cannot be fair once we neglect the rights of those people.

I have to say, with all due respect to the other comments, and I thank all of them, that this is a very important piece of legislation. As I said, it is flawed. To the member for Hamilton Centre, indeed we need changes, and even if they bring in another 16 amendments, provided they bring correctness to this particular bill, we'll support them gladly. Our position has always been and will be —

**Mr Gilchrist:** You'll be out of the House the day the vote is taken.

**Mr Sergio:** Oh, when it comes to heckling he's the champion of the House, but when he's supposed to speak on behalf of the people of Ontario, he's nowhere to be seen. That is the member for Scarborough East.

Mr Speaker, I thank you and thank the members of the House for having been given the opportunity to speak on this particular bill.

**The Speaker:** Further debate?

**Mr Christopherson:** I appreciate the opportunity to speak to this. Let me first of all go back to the very beginning, when we first learned there were going to be changes. Even prior to that, let me acknowledge that there's one hour available for leadoff. I intend to break my comments up in such a way that I can deal, hopefully, with the majority of the issues.

While it seems like a relatively small bill in terms of its physical size, the implications, the technical aspect of it, and the sheer number of workers affected make this an incredibly important, far-reaching bill.

As I was saying, let's go back to understanding where this sort of thing comes from. I think it's important to do this. My comments at the time, during the throne speech — and I have a copy of the speech from the throne. These were the words of the Lieutenant Governor. She said on behalf of the government, "MPPs will be asked to consider legislation that readies our electricity industry for the challenges of competition; eliminates job-killing red tape; amends labour legislation, particularly as it affects the construction industry." I remember saying at the time, in my speech in response to the throne speech, "God help construction workers," because any time this government says they're about to change labour legislation, whoever is involved in that is in serious trouble.

I remember the heckles and the usual nonsense from the government backbenchers who didn't know or didn't care what was coming down the pike. Of course, here we are today with Bill 31, which has major implications for working people in the province of Ontario and rights they now have, rights they should continue to have quite simply because they're the right thing in terms of natural justice.

I'm going to address, I hope, all the key issues that the government has offered up as reasons they're doing what they're doing.

The first thing I want to do, though — you can't let these sort of things go by. The government once again talks about "workplace democracy." That is just so insulting, that this government would talk about workplace democracy. Democracy is the last thing you care about.

**2020**

I mentioned earlier Bill 7, where we've got scabs who are keeping working people, who democratically voted to go on strike because they had to, out on picket lines for an obscenely long period of time. Workers at S.A. Armstrong watching scabs go in every morning for over two years: Prior to your Bill 7, that strike wouldn't have happened; there would have been a negotiated settlement. The gold miners at Red Lake, out also for over two years, because you tipped the balance in favour of your employer friends.

Now there's another disgusting example, J.B. Fields in Trenton. There were a lot of us who stopped by there on our way back from Kingston. That is turning into a very ugly situation. All those strikers are women. We were there watching the scabs go in under police cover, because the police now have an obligation to enforce your anti-democratic law to let those scabs go in and perform the jobs of those democratically striking workers, thereby keeping that strike going and keeping those people out on a picket line. That union there is UNITE, and I would encourage anyone who cares about the plight of people, especially women, who are struggling for natural justice, to please contact that union and offer any support you can.

I can't leave the issue of democracy without at least talking for a second about the changes to the Election Finances Act, again, another piece of legislation that you're ramming through, you're not going to give the public any input on. It will double the amount of money that corporations can contribute — and we know that you're the big winners in that — shorten the campaign



period, raise the amount of money that can be spent, remove controls on polling and research. All those things are meant to give you a huge advantage going into the next election, and you have the audacity to speak about democracy.

Bill 15, where you took away the right of workers to have 50% of the seats on the board of the WCB: It's just as much the injured workers' board as it is the employers' board, but you've gone back to giving the employers the majority control on that board. That's what you think about democracy. Now, with that kind of track record, you want the people of Ontario and you want the workers and their leaders and representatives who are here tonight to believe that you give a damn about democracy?

Since I've mentioned, and I said earlier I would mention, a lot of the labour leaders who are here, I want to take a moment to mention those who care enough and quite frankly are angry enough and worried enough, either for their own jobs or those of the people they're elected to represent, that they're here tonight to make sure that you backbenchers and the minister know that they do care about this, they don't support this at all. This bill is all about giving your pals more power, more control, and quite frankly it's all about trying to crush unions and eliminate them from your right-wing agenda. That's what this is all about, and anyone who has any doubt about that, remember, we now have a Minister of Labour in this province who supported a private member's bill that would have eliminated the Rand formula, the foundation of the modern-day labour movement. We have a minister who not that long ago in this place spoke to and supported a private member's bill that would eliminate the Rand formula. That's why these people are here tonight: because they want you to know that they care.

Let me tell you something just on a practical level. For all the friends who own construction businesses and are involved in the other businesses that benefit from this who are going to give you piles and piles of money because you're going to change the election laws — and they will give you piles of money — guess what? You probably couldn't put all of them in this room and fill the seats that are available in terms of what really matters, and that's votes in the ballot box. Those folks who are here tonight and the people they represent, that's where the votes are, and you in the back benches had better wake up and realize that it's not your corporate buddies or the buddies of the cabinet that you're going to go knocking on the doors of. It's on their doorsteps that you're going to be and on their members' doorsteps, and you're going to have to defend this anti-democratic, anti-union, anti-worker piece of legislation.

I won't mention them all, because there are more and more showing up, but I do want to mention some. As I mentioned earlier, the president of the Ontario Building and Construction Trades Council, Pat Dillon, is here. Forgive me if I get some of the titles wrong. I'll make sure that Hansard gets the spelling right. What really matters is that people get a flavour of the kinds of folks who are here who are opposed to your legislation.

Pat Dillon is here; John Cartwright, of course, from the Toronto building trades; Wayne Samuelson, the president of the Ontario Federation of Labour; Chris Shenk from the Ontario Federation of Labour; Mike Yorke, Local 27 of the carpenters; Jimmy Moffat, the Ontario sheet metal workers' union; Al Budway, Local 30, sheet metal; John Collins, Local 30, sheet metal; Jim Love, sheet metal; Ed Olivera from the roofers; Bill Signal, Local 46, UA; Danny — and I don't have Danny's last name — from Local 46; Barry Stevens, Local 353, IBEW; Monique Joly from CUPE; Jerome Peterson, Toronto building trades.

Most of these folks, by the way, government members, are elected labour leaders, elected democratically in their union by their members.

*Applause.*

**Mr Christopherson:** Applauding is not going to help. You know what they would say to you if they were allowed to speak right now? "Save the applause. Save the big pucker. Vote against Bill 31." That's what they'd really like from you if you really want to show them you care about them.

Ron Hillis from the operating engineers; Tom Collins, Canadian director in the Steelworkers for the retail-wholesale; Roger Falconer from the Steelworkers; Doug Reed from the Steelworkers; Mike Piche from the Steelworkers; John Aman, Allison Collier; Mary McCarthy is a steelworker and she was a Wal-Mart employee who understands very clearly what the changes to this legislation will mean; Doug Hammond from steel; Gord Currie and Frank Turco. To those whose names I butchered your names, I apologize.

The other thing I want to mention before I get into specifics of this is, at this point, I have still not heard the minister, who likes to talk about democracy and put it in the names of his bills, say that there's going to be any public hearings on this very important piece of legislation. Are we going to have public hearings? The parliamentary assistant is not too far away. The minister was here. There's the parliamentary assistant there. In his two-minute response to me, I would ask him to acknowledge and commit to the fact that there will be public hearings on this legislation so that the people who are here in the gallery can come forward and represent their members in a democratic fashion. For all your talk, let's see some democracy in action.

I see the minister himself has rejoined us. I would hope, since he likes to talk about democracy, that he'll rise in his place and ensure that all those who want an opportunity to speak to this anti-worker, anti-labour piece of legislation will be given that opportunity. That, Minister, is the very least you can do in terms of democracy.

While we're on the note of democracy, let's move to the issue of the automatic certification. We've heard the government members stand up time and time again and talk to us this evening about the fact that majority rules and under all conditions there ought to be a majority vote and that majority vote will hold. You know what? On the surface, that makes an awful lot of sense. Who could argue with it? Who could argue with that argument when

you hear it put that way in the absence of any other details, any other evidence, any other realities?

There's a lot of evidence to put forward on this and there are a lot of realities to consider. First of all, this particular amendment to the Ontario Labour Relations Act came about in 1975 under a former Tory government and was kept in place by a Liberal government and by an NDP government and it took Mike Harris and his extreme right-wing Reform lunatic fringe friends to suggest that somehow this was an anti-democratic clause in the labour law and it's got to go. Up until then, everyone else who has formed power in this province said that was a fair piece of legislation.

#### 2030

Why did that do that? Because there is every bit of evidence to show that once you've poisoned the workplace by threatening employees with their very jobs, you no longer have a free environment for democracy to take hold and for the majority to express their will. I realize that if I were offering that up as some new idea before it had ever been in law, you would all be pounding the desks and saying we're crazy and that we're way off the wall and that that sort of thing won't work. But the reality is that it did become the law because it is true that when you poison a workplace by threatening the workers with the fact that they will lose their jobs if the union comes in, you can no longer see democracy in action. Democracy is gone.

Let me give the evidence of the Wal-Mart case. Many here will know that Wal-Mart is well known as a very anti-union employer. They make no bones about it. A lot of their whole human resource policy is all about keeping unions out. That's the only thing they care about, first and foremost. In fact, when they bought up over 100 stores here in Canada, nine of the 22 they didn't buy — what a coincidence — just happened to be unionized and all the others were non-union. What happened in that particular case? I'm going to refer to that and I'm also going to refer to the decision of the OLRB because they go on in their document to make the case of why automatic certification is part of a just and democratic workplace in terms of labour relations legislation.

The Steelworkers began an organizing drive in the usual fashion. Over a period of time, the management of the company conducted themselves in such a way that the union ultimately charged them in front of the Ontario Labour Relations Board with unfair labour practices, saying that they had indeed poisoned the workplace to the point where the vote that ultimately came out was not a true reflection of democracy.

The board agreed that Wal-Mart's actions tainted the vote in such a way that instead of asking whether the employees wanted a union, they were being asked if they wanted a job. The employer then took the OLRB decision to the Supreme Court of Canada. The Supreme Court of Canada upheld the labour board.

First of all, the government makes the claim that there is nothing that overrides a majority vote, plain and simple bumper-sticker slogan, and there ends the thinking on the matter. We have a piece of legislation in Ontario that's

been there for almost a quarter-century, brought in by Tories, that says that's not the case. We have Wal-Mart, which is found guilty, there's an automatic certification by the board and the Supreme Court of Canada upholds the fact that the board made this decision. If anybody needs anything further, I can't imagine what it would be to justify that there are circumstances where that's the only thing left to do.

Why? Let's go to the actual Wal-Mart decision by the Ontario Labour Relations Board. This is quoting from the decision:

"While the union has asserted numerous breaches of the act by the company, the key allegation in the union's view is that the company raised issues of economic and job security with the employees and then refused to answer questions asked on these matters. In the union's view, the company's failure to answer the question, 'Will the store close if the union is successful' led the employees to conclude that the store would in fact close if the union was successful. Therefore, the union requests the board set aside the vote and certify the union pursuant to section 11 of the act."

That's what the union is alleging. They're alleging that things were so tainted by the implied threat to the employer that a proper vote couldn't be held and the vote that was held there needs to be set aside and an automatic certification put in place.

Okay. That sets the stage. Where do we go from there? Let's first of all take a look at section 11, which is the clause that's being eliminated.

"Section 11 of the act provides that the board may certify a trade union as the bargaining agent for the employees in a bargaining unit if satisfied that the following circumstances are present:

"(a) an employer or a person acting on behalf of the employer has contravened the act;

"(b) the result of the contravention is such that a representation vote does not or would not likely reflect the true wishes of the employees about being represented by the trade union;

"(c) no other remedy including the taking of another representation vote is sufficient to counter the effect of the contravention."

What we have are criteria that say the board has all kinds of measures they can take where the employer has contravened the act, but that there are occasions where holding another vote is still not going to give you democracy. That's what the clause is there for.

The minister shakes his head. I'll be interested to hear his argument that such an argument doesn't exist or that such criteria haven't been there or that under no condition could it be that you can't hold a second vote and have democracy reflected.

The board went on — and this gets very technical. I realize this isn't the kind of sexy stuff that really gets everybody going, but the reality, as I mentioned at the outset, is that this is very complex legislation with a lot of technicalities, a lot of theory, quite frankly, of why you have certain laws and the thinking behind it. It gets a little



dry, but it's crucial, because we can't afford to let you, the government, ram this through without people understanding what's being lost.

The board goes on to use the example of the Trulite Industries Ltd case in 1983, and here's what was said in that case:

"Certification without a vote under section 8 was designed as a deterrent to illegal employer interference in union organizing campaigns, and a device to provide a meaningful remedy in those cases where the employer's interference undermines his employees' statutory rights, and, in addition, precludes the board from undertaking its usual determination of employee wishes through a representation vote or an assessment of the union's membership evidence. In other words, section 8 is a kind of 'second best' solution, to be applied where the employer's misconduct not only frustrates the union's organizing drive, but also impairs the board's ability to ascertain whether the majority of the employees do or do not wish to be represented by the union."

Another example: Domus Industries, 1994. The board ruled:

"Once the well is poisoned in this manner, it becomes impossible to ascertain the true wishes of the employees as a group and the legislative remedy in section 9.2, certification without a vote, may be applied by the board. To conclude otherwise would be to award an employer for its commission of unfair labour practices."

2040

That's exactly where you're taking us. What you're going to do is deny the board the one remedy that does bring about democracy when the workplace is so poisoned that you can't hold a vote. What you're going to do is remove the ability to have automatic certification to overcome that poisoned workplace, and what you're going to do is put in place a series of measures and most of them are going to be dollars. At the end of the day there are going to be dollar penalties.

Do you know what that means, Minister? What it means is an employer will be advised by someone studying your labour law, "If you're prepared, Client Employer, to pay possibly X number of dollars if you get caught, then that'll be the price of keeping the union out of your workplace." Absolutely, Minister. That's why this law was brought in in the first place, to counteract that.

**Hon Mr Flaherty:** Totally wrong. Absolutely wrong.

**Mr Christopherson:** Absolutely. Every fine that you put in place, every employee who is forced to be hired back, money that has to be given to the union for organizing, none of that will change the fact that those workers in that workplace have been denied their democratic right to have a union if they so choose.

**Hon Mr Flaherty:** So the minority can dominate the majority.

**Mr Christopherson:** I hear the minister mumbling about the "minority shall dominate." It doesn't matter what you can show them as long as they can provide some little thin shield that takes care of their corporate pals. That's what this is all about and you bloody well know it.

This is going to unleash all kinds of intimidation, coercion, firings, the whole anti-union litany whenever there's an organizing drive. I've heard some people say this only affects the non-construction sector. Let me tell you, this is going to affect construction workers just as much as it does anybody else. No one will have their democratic rights protected when you change that law because you're going to deny the board the one remedy that in some cases — not many but in some cases — is the only one that lets democracy shine through.

All you're going to do is let employers — let's be clear about this — intimidate all they want, and if they get caught, which is unlikely but if they did get caught, the worst that'll happen is it's going to cost them some money, but at the end of the day they kept the union out. For a company like Wal-Mart that means everything because it doesn't matter whether you hold the vote two weeks later or two months later, the intimidation and threat will always give you a negative vote.

You basically have snuffed out organizing in Ontario, and given the fact that you're the guy who's comfortable eliminating the Rand formula, it's clear that suits you just fine, doesn't it? It suits you just fine to see organizing in Ontario in terms of unions absolutely dry up and die. You would probably consider yourself some kind of wonderful, successful labour minister if that happened, and unfortunately and sadly that is what's going to happen in these cases.

The board also goes on — the minister just refuses to accept this so I'll just appeal to everyone else's common sense since he refuses to use his own — to say, "We have no doubt that the intentionally generated implied threat to job security which occurred in this case" — and they're referring to Wal-Mart — "had the result of rendering the representation vote taking on May 9, 1996, meaningless."

The very vote that you say should rule the day has been deemed meaningless by the Ontario Labour Relations Board because the workplace was poisoned by the threat of job loss.

They go on to say, "This case is a classic example of a situation in which the conduct of the employer changes the question in the minds of the employees at the vote on May 9 from one of union representation to one of 'Do you want to retain your employment.'"

"Section 11(1)3" — this is the board talking — "requires us to consider whether any other remedy short of automatic certification" — which you're eliminating with your new bill — "including the taking of a second representation vote" — which is the only real solution you're offering in eliminating this, Minister — "is sufficient to counter the effect of the employer's contraventions of the act." You see, what the employer did was against the law. "We are of the view that a second representation vote in this case would be equally meaningless."

The first vote was deemed meaningless because of the threats of job loss or plant closure. There was such a poisoned environment that that vote was meaningless and the board has said that the remedy of a second vote, which is the only one you're going to leave in place after you

ram this Bill 31 through, is equally meaningless. Do you know what's going to happen? I guarantee you, if not the minister, one of them's going to stand up, and they're just going to ignore all of that and all they're going to say is, "A minority should not dictate to the majority." Of course we all know if they really believe you, they —

**Hon Mr Flaherty:** That's a good rule.

**Mr Christopherson:** Do you think that's a good rule, Minister? It's funny. You didn't get a majority in the last election, but you're still driving around in the limo.

**Mr Maves:** The same limo you used to use to drive around in.

**Mr Christopherson:** You're still driving around in the limo, so there are obviously circumstances —

*Interjections.*

**Mr Christopherson:** Oh, I've obviously touched a nerve. Oh, I've touched a nerve. Obviously, Minister —

*Interjections.*

**The Speaker:** Minister of Labour, order. Member for Niagara Falls.

**Hon Mr Flaherty:** They can't count, Speaker.

**The Speaker:** You're even out of order on two counts.

**Mr Christopherson:** Obviously the minister, in defending the fact that he's very comfortable driving around in his ministerial limo, suggests that there are some circumstances where the minority will dictate to the majority, but as long as it suits you, you'll accept those circumstances. But when it benefits workers and their democratic rights, oh, no, there can't be anything beyond a simple bumper-sticker solution. That's what's so annoying.

Now I grant you, it's also annoying that there are probably a whole lot of folks who aren't going to pay enough attention to this issue, unfortunately, and that breaks my heart because they will listen to that bumper-sticker slogan. As I started out, on the surface it makes a whole lot of sense, but once you start looking at this issue and start looking real examples of what people who are experts in the field have had to say for almost a quarter of a century, one begins to appreciate why in some circumstances the idea of an automatic certification makes sense.

In most cases, when we talk about an automatic certification, what's the average? It's about a year. We're talking about a year. If the employees are that unhappy, then there is a process that can kick in. This is to make sure that in the initial instance, when there's an organizing drive, there is what you like to call a level playing field, and when the employer goes around and threatens workers with their jobs if they vote for the union, democracy and fairness are not taking place and, therefore, there is ample reason, in terms of worker's rights and worker's fairness, why section 11 ought to be left in place.

2050

I just want to put into the record the final decision of the board in this matter. But before I do that, I also want to mention to the minister that in passing Bill 31, we aren't looking at the number of cases that were mentioned by the member for Simcoe Centre in terms of there's only

four, five or six a year. Our initial research shows there were about 15 cases in the last four years. Now that doesn't tell us how many employees are affected, but it's probably more — it certainly surprised me. I didn't think it would be that high, because the threshold of the test is very high. That's a tough thing to prove, that you've poisoned the workplace to the point where a democratic vote can't be held. That's a very high threshold. I personally thought 15 was kind of high.

However, having said that, the fact remains that part of this law was there as a deterrent. In fact, I would say to you, Minister, it was more of a deterrent where employers who picked up that there was an organizing drive going in their place of business would then contact their lawyer and, I believe in an awful lot of cases, most cases, the lawyer said to the employer: "Stay out of it. Stay clean. Let it be a fair, democratic vote, because if you don't and you think you might win the vote without it, you could have the labour board impose" —

*Interjections.*

**The Speaker:** Member for Algoma, Minister of Labour, come to order.

**Mr Wildman:** Sorry, he was provoking me.

**Hon Mr Flaherty:** He's being arrogant, Mr Speaker.

**The Speaker:** One was provoking, one was being arrogant.

**Mr Christopherson:** I thought both applied to the minister, Speaker.

**The Speaker:** Member for Hamilton Centre, that's not fair. I think it was my fault. I'm sorry I brought it up.

**Mr Christopherson:** I withdraw, Speaker.

To end the thought there, the legal advice that an employer received while this section existed would be: "Don't mess around. Don't go out there trying to influence your employees. Don't do any of those things, because at the end of the day if it's proven you did that, you could get an automatic certification. Leave this thing alone."

That's not going to happen now. What's going to happen now is the legal advice is going to be, "If you get caught, here's what could happen," but none of those things is going to be an automatic certification. None of the things that could happen will result in a union being in there because the employer contravened the law. What might be there are fines and having to hire people back and, as I said, paying some organizing costs to the union. But they're all dollar figures and, at the end of the day, that means a licence to keep your place of employment anti-union. To keep the union out of your place of employment will cost you X number of dollars only if you get caught and only if you're found guilty. All those cases where the board says, "A second vote is not a remedy," are all that will be left for those workers.

In other words, workers will be left with meaningless options; according to the board, meaningless options. You know that's exactly what this is all about. This is about making sure that workplaces, your buddies, the people that now can cough up an extra 50% to contribute to your re-election can keep the union out so they've got lots and lots more profit to pour into your re-election so we can keep this insulting, bizarre, dangerous, harmful game going on,



where the corporations support you in the election, and when you're in office, you support the corporations so that they can make even more money. And you know what? From where you sit, that's probably a cosy little world. Except you forgot something: the vast majority of people aren't in your equation. They're either up there in the public galleries today or represented by them, because the average working stiff in this province doesn't get a say in your equation — only those with bucks.

I did want to put on the record that final decision. Again, this is the board, after you made your changes, by the way. The board said:

"Having regard to the agreement of the parties the board hereby finds the following bargaining unit to be appropriate: all employees of Wal-Mart Canada Inc at 1950 Lauzon Road, in the city of Windsor, save and except assistant managers, persons above the rank of assistant manager and the personnel manager and persons employed on a temporary basis for a fixed period of time.

"Accordingly, to summarize, the board hereby finds that:

"(a) the employer has violated section 70 of the act as outlined in the body of this decision" — those are the people you're protecting, the ones who broke the law.

"(b) the result of the employer's contravention of the act is such that the true wishes of the employees were not expressed in the vote held May 9, 1996;

"(c) it is not appropriate to direct that a second representation vote be taken."

That was the decision of the board in the case where Wal-Mart's management poisoned the workplace and a democratic vote could not take place. You are going to change all that, and you, for all your touting about democracy in the workplace and caring about workers, are going to in effect, by virtue of that part of Bill 31, eliminate the democratic free choice of workers to decide whether they want to join a union or not. You're going to put in place a licensing fee schedule that says, "Employers, if you're prepared to pay X dollars in fines and other penalties, then you go ahead and take whatever action you want to keep that union out because, boy, oh boy, we took care of that law for you and you're safe now." That's what that part of the law is all about.

Let me talk now about the changes to the construction industry, and I know that a lot of the representatives are here tonight. That's broken into two parts. One is the non-construction employers, the other one is the project agreements, and for all the minister was prepared to say when he was heckling, that Pat Dillon was supportive of this, he didn't have the courage to say it when he was on the record. You didn't say it when you were on the record, so you can still stand up and do it right after you tell me there are going to be province-wide public hearings on this bill. You're great at heckling, but when it comes time to stand up and put it on the record, you clam right up. You've got nothing to say.

**Hon Mr Flaherty:** Why don't you read the paper? You might learn something. Why don't you read a newspaper? You're dumber than you look.

**Mr Christopherson:** You're no better. Give it a rest.

### The Speaker Order.

**Mr Christopherson:** Let's take a real good look at what this means. This government, by virtue of the changes in Bill 31 as it applies to construction, is going to provide a system — let me say at the outset that I don't consider myself to be an expert on this, because it is a highly specialized area and it's very technical and it's very complex, and anyone who has dealt with it in any fashion recognizes that it takes a lot of years.

However, there are some fundamental principles here that we can all grasp, and that is that at the end of the day, by virtue of your project agreements, it looks to us like what you're doing is providing a way to circumvent, eliminate through attrition, province-wide collective agreements. At the end of the day, if you make this appealing enough, and it looks like you are, where employers are going to want these project agreements, because they provide in some collective agreements for standards and rates of pay and benefits lower than the province-wide agreement, this is going to be the Cadillac and they're all going to want it.

They're all going to want this, and every time a collective agreement, a province-wide agreement, is watered down, more and more it becomes acceptable, it becomes the norm and the province-wide agreement moves further and further away from being the centrepiece of the wages and benefits and working conditions of people in the construction industry. That's what we think is going on. Unfortunately, since the minister is likely not going to commit to public hearings, we won't know until it's already law and has taken place and we see the watering down of wages and benefits. That's probably another reason the minister doesn't want to have public hearings.

### 2100

What is the minister suggesting? The minister is suggesting, as they do in their simplistic fashion: "Look, if we can just get 60% of the unions that are going to be participating in a construction project to agree that there are special circumstances so that it can be bid on to be competitive, then why don't they do that? It's a good thing for everybody. The labour leaders obviously aren't representing their own people." There will be some kind of simplistic spin like that. But when we start looking at it — and let me assure the minister that there are people who represent unions who are lawyers, who have spent the last week analysing this and who are still going through it trying to understand the far-reaching implications of what you're doing with this bill.

One of the concerns being expressed, and I want to put it on the record here now, early, is that there's a real possibility that the way you're changing the laws and the process you're putting in place will encourage and allow serious manipulation and corruption. We're talking hundreds of millions of dollars. We're talking about a process that affects labour costs, which are a huge part of construction projects, and you're not even going to let the public have a say in how this process may work.

For instance, when the minister says, "We'll just pull together 60% of the unions involved," as I understand it — and I'm not a lawyer; I have to rely on the

interpretation of lawyers — the proponent, the person who wants to do the construction project, gets to decide — let's talk about 10 unions on a work site, because it makes it nice and easy in terms of 60% and 100%. It's the proponent who gets to decide which are the unions that get contacted and which are the ones that would be negotiated with. Again as I understand it, it's only those unions which apparently would be involved in the project — no guarantee they'll contact every union that will be and no guarantee that it's only those unions that will be.

As we understand it, if one of those unions makes a concession in a contract — and it doesn't even have to be a concession, to some; it can be an improvement to some, because there are different collective agreements for the different trades. It could be a minor improvement for them but reflect a concession to all the other collective agreements. Once that clause applies, if it's a wage rate or a benefit that's involved, once that principle is in place it applies to every worker on that construction site and every collective agreement.

You talk about majority. Again as we understand it, this isn't even the majority of unions representing the majority of workers. It's six bargaining agents out of the 10. It is possible that those six bargaining agents could represent as little as 10% or 20% of the actual workers who will be on that construction site, yet the other 80% of those workers, who may fall in the 40% who don't agree, will have to live with it. That's our understanding. If that's incorrect — and it would be nice to have public hearings so we could get into this. But if that's the case — and I'd like the minister to be sure that comes out this evening. But right now, that's the way it looks, and that's a real worry.

**Hon Mr Flaherty:** One union, one vote.

**Mr Christopherson:** Oh, you're going back to your arguments about why you want to change it, but you're not telling me I'm wrong. You're telling me now, by not saying I'm wrong, that 20% of the workers on a construction site will dictate to the 80% how much money, what the benefits are, what the working conditions are and any other changes that those other six make to their collective agreements. What happened to Mr Majority Rule?

**Hon Mr Flaherty:** One union, one vote.

**Mr Christopherson:** All we ever get are bumper-sticker slogans. Any time you offer a thoughtful, insightful analysis, obviously it's just garbage.

**Hon Mr Flaherty:** Is this too complicated for you?

**Mr Christopherson:** For all your howling, member, I don't hear you saying that I'm wrong either. It looks as if, at the end of the day, those six — you know what? I'm not even suggesting those six unions are doing anything wrong. It might be that they're the smaller unions. They may not have the best collective agreement, or the areas that are changed in their collective agreement, even if there's a small improvement, it's still not as good as it is in other collective agreements.

Nothing I've mentioned so far is to suggest that those six union leaders — because it isn't the unions them-

selves, it's just the agents themselves who agree to this; I'm not even suggesting they have to be doing anything wrong.

But when I mentioned the idea of manipulation, it's my further understanding that under this part of your new law the proponent will have a significant say, if not the final say, in what union has jurisdiction over what work. That does a number of things. First of all, your favourite trick of pitting worker against worker is right up front. It lends itself to manipulation, at the very least, and possible corruption. We don't see a whole lot of protection in terms of the labour board being involved to make sure that those kinds of manipulations and potential corruptions aren't taking place. We don't see those protections in here.

This is dangerous. This is not necessarily — not just the workers — in the public good, since a lot of those projects, because you use the example of school boards and municipalities, may be public funds.

I didn't hear the minister. I'm sort of waiting to see if there's any indication that I'm off base, because as I mentioned at the outset, I'm not an expert in this; my background is not the construction industry. But obviously I've at least raised some concerns on behalf of the labour movement and I think on behalf of the public that deserve some response and deserve some consideration. Where are the checks and balances?

**Hon Mr Flaherty:** Here is your response: one union, one vote.

**Mr Christopherson:** There he goes again, "One union, one vote." He totally ignores the fact that we're setting up a system where a small minority of workers could be dictating to a larger majority. He just totally ignores that. It's like it didn't happen.

**Mr Wildman:** Like in election finances: One party, one vote. Is that the way it works, so we get consensus?

**Mr Christopherson:** Or the province of Ontario: One party, one government. That's what's so frustrating about this government. I thought there might be a change with this minister, but the former minister was exactly the same way: After having a case outlined very clearly to her, she would stand up and say that black is white and white is black, and night is day and day is night, the opposite of what reality is.

All this minister will talk about is the problem he has with the current system. He won't acknowledge that he's setting up a system that could have major manipulation, possible corruption, minorities dictating to majorities, unions being pitted against unions. None of this is good for anyone, except the ones with the bucks at the end of the day. Everything with this government comes back to dollars. The only winners in all of this are the people who get to build their construction site for 10% or 20% or 30% or 40% or 50% less and they can make more money.

Don't give us this garbage about competitiveness. Don't tell us that Wal-Mart does not have some kind of competitive edge everywhere they go, or that banks are not doing well. I'm going to raise them in the context of the major piece that affects the construction industry.



## 2110

) That's what you keep saying this is all about. It's not about that at all, as usual. It's not about workplace democracy; it's about making sure that unions fail in any kind of organizing drive because people are too terrified to vote for a union because they think they're going to lose their job, even though their employer has broken the law by saying that to them.

You yap on about one union preventing an agreement and a competitive bid from taking place, and yet you acknowledge that you're putting in place a system that lends itself to manipulation, possible corruption and a further dictating, to use your symbolism, of the small percentage telling the large percentage what they're going to do. At least under the current system there was fairness. Collective agreements were not breached unless there was unanimity.

If you were coming in here, Minister, with a legitimate, fair process, an alternative way of doing things that doesn't cost only one partner, the workers, something in the deal, you'd be getting a different response than you are today. But because of what you're doing, you're going to get as much resistance — and let's be honest. Let's not kid ourselves at this stage in the government's mandate. The people involved, the unions, those that care, will do as much as they can to resist this government, but ever since they changed the rules of this House, just like they're going to change the rules of the next election, they've got total control.

This House rises in two weeks. In two weeks this session is done; it breaks for the summer. The odds are, unless you hear different from the Minister of Labour, this thing's going to be law by then. We can probably say the same about the election finances. You're going to ram that through too. Yes, you may not see the kind of resistance that would be there if you followed a proper democratic process, but then that's why you aren't, isn't it? Ram it through before the end of June, get into the summer months, get into the new year, attack somebody else, throw the headlines elsewhere. The fact that you've rigged the next election by changing the election rules and changing the financing of elections and changing more labour laws you hope will just be forgotten by people.

There are only a few moments left and I do want to at least touch on the non-construction employers. I wouldn't suggest for a minute that any one of these has a greater priority than the others, but I want to tell you I think that the leaders of the building trades at least had some sense of what you were thinking about with the other issue — not on the Wal-Mart one, but certainly on the other construction one — but the non-construction employers piece apparently just blew them right away. For all your bragging about the consultation and meetings you've been doing, the word we're getting from Pat Dillon and the other labour leaders is that you did not put on the table the fact that you were looking at this non-construction employers aspect of Bill 31, which is typical of you folks. It's typical. Nobody got any input into Bill 7 either, or any

of the other anti-labour legislation. You brought all that in.

At the end of the day, it would seem that what this clause is meant to do — and again, the legal people are still looking at this — from what we can gather, having had less than a week to look at it, is to further weaken the rate of unionization within the construction industry in the province of Ontario, because what you're going to say is that if construction is not your predominant business, then the collective agreements of the building trades contractors, the province-wide agreements, don't apply. That means more and more non-union workers in the building industry, which is totally consistent with this government's outlook and, in particular, this labour minister's personal view of what the labour market ought to look like in Ontario.

Further to that, we suspect there's a chance that for some employers, where construction isn't their primary business, who didn't have their own construction arm because of the collective agreement — which is fine; it just means that some other entrepreneur has a construction business and they're doing the work. What it might mean is that there are a lot of employers who will suddenly open up construction divisions of their companies and know the union can't get in. Beautiful. Reagan would have loved it. It's like Star Wars with the shields. You put the law in place, you open up this division of your corporation and guess what? The union can't get in because they're not primarily a construction employer.

Again, these are things that should be fleshed out, talked about and looked at during the course of the summer, during public hearings. That's what ought to be happening. It won't, unless the minister shocks us all and stands up and says there will be public hearings. If he does, I will go on the record as congratulating him and we'll all roll up our sleeves and take a look at this and see what it means and what we can do to make it better. But I suspect that's not going to happen. You're not going to hear any of the major issues that had any complexity that have been raised here tonight, and all we're going to get back are the platitudes and the bumper-sticker slogans about the way the world ought to be according to all the Mr and Ms Sillys who sit on that side of the House.

I will wrap up my comments by just pointing out that anyone who believes this is a minor little bill that only affects a few employers is misreading this. This alone is a major attack on the labour movement and all workers in this province. Taken with everything else they've done, it just points to a disaster in terms of workers' rights in Ontario.

**The Speaker:** Questions and comments?

**Mr Gilchrist:** I appreciate that the member opposite twice in his one-hour diatribe admitted that he had no expertise in the field he was talking about today. I think that showed in the quality of the comments.

I spent 25 years in the same retail industry that he kept beshmirching in talking about one of the competitors, Wal-Mart, and suggesting that somehow workers have no power, workers have no rights. I guess it's a foreign

concept to him that maybe the reason so many of those stores aren't unionized is because many employers treat their workers fairly. Many of them offer profit-sharing plans and the workers therefore regard it as being their store as much as management's.

But I think more important, in talking about this bill, he fails to recognize that the situation we have right now is no projects taking place, no unions getting those quality jobs down in Sarnia, because it's not a question of whether 5% or 20% or 70% agree with what is being proposed; if you don't get 100% today, nobody gets a job and that's your idea of a better shake for the workers in Ontario.

You should be ashamed of yourself for standing in the way of the —

*Interruption.*

**The Speaker:** Order. Stop the clock.

*Interruption.*

**The Speaker:** Hold on. Sir, you must leave. The member for Scarborough East has the floor. I've stopped the clock. I'll tell you up there right now, if there's another outbreak I'll clear the gallery. I'm not interested in picking off people one at a time.

Member for Scarborough East.

**Mr Gilchrist:** When you talk about the poisoned atmosphere, and you yourself read the extract, the reality today is that Wal-Mart, when erring on the side of not scaring their workers, when asked the question: "What would happen if it was unionized?" gave no answer, the OLRB decided that the best idea was to then certify the union.

You've given a great speech, and I am sure the people on whom you rely for your campaign donations are very impressed with what you had to say. But the reality is that four days ago this bill was tabled. You have not stood in your place once, not one of your colleagues has stood, and asked any questions. You've been concerned about lobbyist registration, you've been concerned about election reform, casinos, property tax. You haven't had one concern about the workers, so don't be hypocritical, don't suggest you care about them tonight.

**The Speaker:** Member for Scarborough East, you must withdraw that comment.

**Mr Gilchrist:** Which one, sir?

**The Speaker:** You must withdraw the "hypocritical."

**Mr Gilchrist:** If it's unparliamentary, I certainly withdraw it.

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**The Speaker:** It is unparliamentary.

Questions and comments? The member for Yorkview.

**Mr Sergio:** When the member for Hamilton Centre speaks with respect to worker's rights, he's always there. I have to give him that.

When we speak about democracy in the workplace, I have to say that democracy, in my book, means that it only exists when the governing majority gives the minority an opportunity to be heard. This is not the way to give an opportunity to the minority to be heard. When we have legislation that allows a major non-construction employer

the right to exempt themselves from hiring union workers, I find that really not a democratic improvement in the workplace. It boils down to the oh-so-sad relationship between employers, workers and government. How many times have we heard this government say, "We want less government and less government interference"? Here we go again.

Like if the 40% don't belong to that particular democracy in the workplace — yes indeed, Mr Minister, democracy works and lives and is well when the governing majority gives the minority an opportunity to be heard. You're denying 40% of those workers the opportunity to express their will, their desire and the opportunity to be heard. Those 40% also have families, they have kids, they buy cars, they pay mortgages and they pay our salaries as well. How often do we remember that? How often we seem to forget it.

**Mr Wildman:** I want to congratulate my friend from Hamilton Centre for his presentation on this very important piece of legislation before the House. I listened, as he was making his presentation, to some barracking from the Minister of Labour to the effect that he believed the majority vote should take precedence at all times. As my friend from Hamilton Centre said, this is a very simplistic and easy argument to make.

I just hope that the minister and his colleagues will consider this one thoughtful presentation: In areas of the world where democratic votes have not been taken before, where governments are organizing new elections, oftentimes they invite international observers to come and observe polling stations to ensure that there isn't intimidation of the voters going on. Why do we do that? Because we know that in many cases where votes are new, where people are involved in a process they haven't been involved in before, they can be intimidated by those who would prefer not to have a democratic vote occur, and who would like to in some way subvert that democratic procedure.

I think this has some analogy in this particular case. If workers have never had an opportunity to express their views in a vote freely in the past, and if they are subject to intimidation by someone who holds the possibility of them not having the wherewithal to provide for themselves and their families, then there must be protections in the law. What you're doing is, you're taking that away. It's not majority over minority, it's a question of real democracy in the workplace.

**Mr Maves:** The member opposite knows we have quite a long history of people in Ontario voting and they understand the process. They're not so easily intimidated that way.

Just as an aside, although it was mentioned during the member's speech, I'm really one in this House who's tired of hearing people make comments about Mr Silly. I don't know how you can stand here —

**Mr Wildman:** It was the Premier who raised it first.

**Mr Maves:** I don't know how you can stand up and mock parents who read to their children. That's what



you're doing, so think about that before you continue to nock parents for reading to their kids.

The member talked about employer interference. Employer interference is still not allowed. There is still a wide body, probably a growing body, of remedies that can be offered. The member said: "What does it matter? Let the minority rule. In a year they can vote again." Well, perhaps in this situation, one of the remedies the OLRB will order is some kind of time or a monitoring period before they order another representation vote. So if you said in the one instance it removes the poisoned atmosphere, then it's the same thing.

The other part about project agreements: Project agreements won't happen unless 60% of the unions involved agree to it. It's not anti-democratic. They have to agree, 60% of them. A proponent can't go out there and have two unions out of 14 agree to a project agreement and have everyone bound by it. Just as two out of 14 right now can stop the other 12 from having an agreement and having some economic development, two out of 14 aren't going to stop it from happening. So 60% must support the project agreement. That's a majority of the people these folks up here represent.

You want to have it both ways, member for Hamilton Centre. At the start of your speech you said the labour leaders represent their voters. At the end of your speech, you said, "No, they don't represent their voters, and a minority of them are going to be able to make them join a project agreement." You can't have it both ways.

**The Speaker:** The member for Hamilton Centre has two minutes to respond.

**Mr Christopherson:** I don't follow the logic of the last part of your thinking. I went out of my way to point out very clearly that the labour leaders could very well be representing their members and we'd get into this jackpot with the 60-40, so I'm not sure what you're referring to there.

To start with the member for Niagara Falls, and I appreciate his taking the time to respond, the whole point of going through all this on the Wal-Mart decision and the ability to have automatic certification is to recognize that in a fair and democratic society, as my colleague from Algoma has pointed out, democracy is not always a simple thing.

There was a Tory government in 1975 and people who served on the Ontario Labour Relations Board for almost a quarter-century who all agreed that there were circumstances where democracy couldn't take place because the workplace was poisoned. We had the same thing in place when there used to be automatic card certification brought in over 50 years ago by a former government. You eliminated that too, and you used the same bumper-sticker slogan. That's what hurts, you know, and I acknowledge it does, because it's hard to counteract some of that simplistic stuff, especially when we don't have the same money as you, in terms of contributions, to hire the professional PR people who come up with these. That's where this stuff comes from, and that's why you spend so much money and effort as a government on public advertising.

To my friend from Yorkview, I appreciate his comments.

The member for Scarborough East is always an interesting fellow. I just happen to be one of those who's quite prepared to stand up in this place and, unlike you, acknowledge that I don't know everything. Every now and then I like to make sure that people understand that. Besides, there's a reason that your nickname is "the member from Canadian Tire," and it always shows itself when you make your arguments.

**The Speaker:** It now being nearly 9:30 of the clock, this House stands adjourned until Monday at 1:30 of the clock.

*The House adjourned at 2129.*

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**Official Report  
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**Monday 15 June 1998**

**Lundi 15 juin 1998**



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Honourable Chris Stockwell

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L'honorable Chris Stockwell

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## LEGISLATIVE ASSEMBLY OF ONTARIO

Monday 15 June 1998

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Lundi 15 juin 1998

*The House met at 1331.  
Prayers.*

### MEMBERS' STATEMENTS

#### ELECTORAL REFORM

**Mr John Gerretsen (Kingston and The Islands):**

The people of Ontario should know that this week we will be debating a bill on election finances in which Mike Harris is attempting to buy the next election in Ontario. The bill will nearly double the spending limits a candidate can spend in their riding during the election campaign. It will also substantially increase the amount an individual can contribute to a candidate and party.

What is particularly shocking is the fact that in the past there has always been all-party agreement to any changes in election financing. Mike Harris once again wants to bully and bulldoze his way through the Legislature.

The massive increases in election campaign spending and the dramatic increases in the amount of money that corporations and individuals may contribute to political parties and candidates, in addition to the exemption of major campaign activities from any spending limits at all and the elimination of the financial watchdog, the Commission on Election Finances, will ensure that the deck is stacked in favour of the Reform-Tory government in Ontario in the next election.

All this is in addition to the use of taxpayers' money by this government to send out purely partisan propaganda to all Ontario households that should be paid for by the Tory party and not the government of Ontario.

We must not allow the Americanization of our system. We value fairness in our electoral system. I call upon Mike Harris to withdraw this piece of legislation and bring back a bill on election finances which has the traditional all-party support.

#### HOSPITAL RESTRUCTURING

**Mr Wayne Lessard (Windsor-Riverside):** This morning the Minister of Health was in Windsor to make a long-awaited announcement with respect to health care funding, and when I say long, I mean really long. It was in February 1994 that the Win-Win report was released outlining our community's vision for health care reform. The NDP government promised funding to carry out this vision but the election of the Mike Harris government

three years ago brought the entire process to a screeching halt. The Health Services Restructuring Commission reviewed the whole process yet again.

Minister, why has it taken your government so long to get us almost to the point where we were three years ago? Please explain the delay to the people in my community, because it makes no common sense to me.

While you have been dithering, the crisis in our emergency rooms has grown worse, waiting times for health care have grown longer, health care workers have experienced increasing stress, and families more and more are being referred to Detroit or London for treatment.

Why, as well, was there no announcement about long-term operating dollars? New buildings and new equipment will not improve health care in our community without the people to provide it. Why, as well, has there been no announcement about the Malden Park Centre?

These are questions that our community deserves answers to. Minister, please provide them immediately.

#### CANCER RESEARCH

**Mr Jack Carroll (Chatham-Kent):** I rise today to honour the McCarty Cancer Foundation which was started by Detroit Red Wings star Darren McCarty.

Darren's father, Craig, has multiple myeloma, which is a rare form of bone cancer that affects approximately 14,000 new people a year in North America. Multiple myeloma patients experience severe pain and bone deterioration. Since the average age of diagnosis is in the 60s, however, there is very little money being spent on research. Perhaps since this is Seniors' Month, it would be appropriate for all members of this Legislature to reflect on the importance of greater medical research for fighting this disease.

Darren McCarty and his family are doing just that. Through Darren's efforts, money is being raised to put towards research into a possible cure for multiple myeloma. This money will be used to benefit support groups, patients and caregivers.

In addition to starting the foundation, the McCarty family is to be commended for bringing greater public awareness to multiple myeloma, which can only be cured with determination. I would like to thank Craig and Roberta McCarty, who are in the members' gallery today, for showing such determination.

In a final comment, I'm sure the McCartys would wish me to say, "Go, Wings, go."

## ELECTORAL REFORM

**Mr James J. Bradley (St Catharines):** Today is a dark day for democracy in Ontario. The Mike Harris Conservative government, using its new anti-democratic procedural rules, will begin the process of bulldozing through the Legislature a bill which will make money the king — the key ingredient in Ontario elections.

Bill 36 allows for massive increases in the amount of money political parties and candidates can spend during election campaigns, exempts a number of expensive campaign activities from any spending limits at all and drastically increases the amount of money corporations and individuals may donate to a party or candidate.

Mike Harris plans to abolish the watchdog over election spending and contributions — the Commission on Election Finances — at the very time when the public sees the greatest need for this policing agency.

The result of this anti-democratic strategy, hatched in the back rooms of the Premier's office — the Harris Kremlin, as one reporter termed it — will be the Americanization of Ontario elections, with money playing an enormous role in the campaign; a campaign to be shortened in length so that massive media advertising will dominate, rather than door-to-door personal contact with voters.

The Conservative Party, gearing its policies, legislation and regulations to the best interests of the very wealthy and the most powerful, will gather its rewards from this element in the form of huge campaign contributions which it will use to saturation-bomb the airwaves with expensive commercials.

It is time for all who value democracy to demand that Mike Harris withdraw the bill, which stacks the deck in favour of the very rich and his political party, which represents the rich and powerful.

## LAND USE PLANNING

**Ms Marilyn Churley (Riverdale):** I'd like to make a statement today about the Lands for Life situation. Everybody may be aware that recently there was a press conference held by a representative from the World Wildlife Fund Canada, the Federation of Ontario Naturalists and the Wildlands League. They were there on behalf of the 38 member groups of the Partnership for Public Lands. I'm going to quote from their press release:

"The Lands for Life process in Ontario is off the rails and, unless it gets back on track, it will not even come close to delivering on the government's promise to complete the provincial park system in northern Ontario."

I think it's fair to say that almost everybody was interested in this process: the opportunity to sit down and try to negotiate a sensible, indeed, very difficult determination on how to use our vast lands for their resources, but also tourism, and to preserve these lands for the future.

It is off the rails, and I want to tell people today about a big rally that's happening on Wednesday, June 24, at 7 pm at U of T Convocation Hall. People can call 1-888-

971-LAND for tickets. At this concert will be a lot of performers, including a CD with many people called "Whose Forest?: Defending our Public Lands," which was produced by Sarah Peebles. It's "A musical statement, a visual work of art, a political action kit and a benefit all rolled into one."

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## TORNADO

**Mr Ernie Hardeman (Oxford):** Two weeks ago, my riding was unfortunate enough to be in the path of a tornado. The hardest hit area was the village of Norwich, a small community of about 2,100 people. Although the damage was extensive, I am pleased to say that no one was seriously hurt.

Even in the face of such devastation, the spirit of the community remained undaunted as everyone pulled together to help each other.

I want to applaud those who went above and beyond the call of duty to help those in need: the United Church, which opened its doors to feed workers and residents alike by candlelight, as there was no hydro; the community centre where, with the help of a generator, a place to sleep could be found for those who no longer had a roof over their heads; the Salvation Army and those residents who escaped damage who provided food; the workers of the public utilities commissions from Ingersoll, Woodstock, Norwich and Tillsonburg, as well as Ontario Hydro, who worked around the clock to get the lights back on; the crews from the townships of Norwich, Burford, southwest Oxford, Zorra and the county of Oxford and the Long Point Region Conservation Authority, who quickly got the fallen trees and debris cleaned up so the streets could be reopened; the Woodstock police, the OPP and the RCMP who kept order to ensure that everyone was safe, even if it meant going door to door.

Most of all, I want to commend the people of Norwich for their strong sense of community, their generosity and their willingness to help others in the face of adversity.

## ELECTORAL REFORM

**Mr Gerry Phillips (Scarborough-Agincourt):** I want to comment as well on the bill that the Harris government is ramming through on election expenses. For the public's information, this bill was introduced on June 9 and will be law before the end of June. It fundamentally changes the way elections are financed in the province of Ontario, and without any question of a doubt is designed to help Mike Harris and to penalize the other parties.

The expenses now have almost doubled. The Conservative Party can now spend \$5 million instead of \$2.5 million in the election campaign. Mike Harris will have no trouble raising that. He gave people making more than \$250,000 in this province a \$500-million tax break, so Mike Harris will have no trouble raising that. But it fundamentally changes the way elections in this province are run. Without any question of a doubt, it is the



Americanization of politics in the province of Ontario. Now money will talk instead of ideas, instead of people. I regret that he will, in typical fashion, bulldoze this bill through. It was introduced on June 9 and it will be law within two weeks.

This is trampling on democracy. We now are a province where money will talk instead of the people talking. I regret that Mike Harris has chosen this technique, doubling the amount he can now spend on campaigns and forcing this bill through in a matter of days when I think it's something the people of Ontario want withdrawn.

### BEAR HUNTING

**Ms Frances Lankin (Beaches-Woodbine):** Today is June 15, and that marks the end of the spring bear hunt for this year. We hope we will be able to say that it marks the end of the spring bear hunt forever.

On behalf of the Animal Alliance of Canada and the International Fund for Animal Welfare, I have today a gift on behalf of those organizations for every MPP. I'll ask the pages if someone could come and take this from myself and the member for Riverdale.

There is an information brochure. We want every MPP to have one.

The bear is representative of two things. The first is pretty sad. It's representative of those bear cubs who were killed during this year's bear hunt. But it's also a symbol of celebration, because if we can convince the government to move on bringing an end to the spring bear hunt, we can celebrate that there will be no more cubs killed in that manner.

It is not moral or ethical to allow the slaughter of bears at bait, as is done in the spring bear hunt. It is not moral or ethical to allow dogs to track down and kill bear cubs, as is done during the spring bear hunt. In fact, it is not moral or ethical to allow hunting of a major species like that in the spring, which is during the animals' reproductive season.

We can stop this. All it takes is us to stand up with the majority of Ontarians. Northerners, southerners, rural, city, everybody agrees in the majority to end the spring bear hunt. We call on all MPPs to call on the minister to do just that.

### CONDOMINIUM LEGISLATION

**Mr Douglas B. Ford (Etobicoke-Humber):** Last week residents of Etobicoke again received good news from the Mike Harris government. This comes as a result of new legislation being introduced to replace the outdated Condominium Act.

Local residents in Etobicoke have taken a great deal of ownership in their community and should be commended for the hard work put forth in promoting these changes. I'd like to take this opportunity to thank people such as Dave Dunn and his wife Christine for their leadership in coordinating the involvement of those in the community who wanted to see the legislation updated. Many people,

including Marilyn Bird, Rosette Kertez, Fred Mahler, Philip Mayers, Geoff Pacey, Meade Wright, and a great deal of others, did not let up on their interest to see the changes that are long overdue.

I would be remiss if I didn't also express gratitude to the present minister, David Tsubouchi, the former minister, Norm Sterling, and his former parliamentary assistant, the Honourable Jim Flaherty, for driving a review which was not undertaken until our government was elected.

The right of ownership and responsibilities that come with it are factors which have not been overlooked by this government. The introduction of the Condominium Act, 1998, is a clear indication that the problems encountered by responsible owners will now be short-lived and is another promise kept by the Mike Harris government that will directly benefit many people in Etobicoke.

### REPORTS BY COMMITTEES

#### STANDING COMMITTEE ON ADMINISTRATION OF JUSTICE

**Mr Jerry J. Ouellette (Oshawa):** I beg leave to present a report from the standing committee on administration of justice and move its adoption.

**Clerk at the Table (Ms Lisa Freedman):** Your committee begs to report the following bill without amendment:

Bill 15, An Act to cut taxes for people and for small business and to implement other measures contained in the 1998 Budget.

**The Speaker (Hon Chris Stockwell):** Shall the report be received and adopted? Agreed.

Pursuant to the order of the House dated June 2, 1998, this bill is ordered for third reading.

### INTRODUCTION OF BILLS

#### MUNICIPALITY OF CHATHAM-KENT ACT, 1998

Mr Carroll moved first reading of the following bill:  
Bill Pr19, An Act respecting the Municipality of Chatham-Kent.

**The Speaker (Hon Chris Stockwell):** Is it the pleasure of the House that the motion carry? Carried.

#### EASTERN PENTECOSTAL BIBLE COLLEGE ACT, 1998

Mr Stewart moved first reading of the following bill:  
Bill Pr18, An Act respecting Eastern Pentecostal Bible College.

**The Speaker (Hon Chris Stockwell):** Is it the pleasure of the House that the motion carry? Carried.

## TERRY FOX DAY ACT, 1998

LOI DE 1998

## SUR LA JOURNÉE TERRY FOX

Mr Ouellette moved first reading of the following bill:

Bill 42, An Act to proclaim Terry Fox Day / Projet de loi 42, Loi proclamant la journée Terry Fox.

**The Speaker (Hon Chris Stockwell):** Is it the pleasure of the House that the motion carry? Carried.

**Mr Jerry J. Ouellette (Oshawa):** Essentially, we as a society may build monuments or name sections of road; however, unless you actually drive that section of highway, one never knows the distance that is really travelled.

This bill officially designates that the Sunday each September on which the Terry Fox Run takes place be designated as Terry Fox Day.

1350

## MOTIONS

## HOUSE SITTINGS

**Hon David Turnbull (Minister without Portfolio):** I move that pursuant to standing order 9(c), the House shall meet from 6:30 pm to 9:30 pm on June 15, 16, 17, 18, 22, 23, 24 and 25, 1998, for the purpose of considering government business, and that pursuant to standing order 9(e)(i), the House shall continue to meet from 9:30 pm to 12 midnight on June 23 and 25, 1998, for the purpose of considering government business.

**The Speaker (Hon Chris Stockwell):** Is it the pleasure of the House that the motion carry?

All those in favour, please say "aye."

All those opposed, please say "nay."

In my opinion, the ayes have it. I declare the motion carried.

**Mr James J. Bradley (St Catharines):** On a point of order, Mr Speaker: Under the previous democratic procedural rules that governed this House, that motion would have been a debatable motion. Under the new rules imposed by the Mike Harris government, is that allowed any more?

**The Speaker:** You're asking if the motion is debatable?

**Mr Bradley:** Yes.

**The Speaker:** No, it's not.

## ORAL QUESTIONS

## SPECIAL INVESTIGATIONS UNIT

**Mr Dalton McGuinty (Leader of the Opposition):** I have a question for the Attorney General. You know that we're having some problems with the SIU, the special investigations unit. The director announced last week that

he was leaving. We have now had eight directors in five years.

Some of the solutions to the problems connected with the SIU are found in a report prepared by the very respected former Judge George Adams. He makes a number of recommendations, including that it be properly resourced — it's his opinion that the SIU is underfunded — and second, that we proceed to make the necessary changes that would compel police officers who are witnesses to a shooting to speak forthwith with an SIU investigator. When are you going to be moving forward on those recommendations?

**Hon Charles Harnick (Attorney General, minister responsible for native affairs):** I appreciate the question from the Leader of the Opposition. I just want to put into context what former Judge Adams did. He prepared a report for us based on working with the parties, working with community representatives, police representatives, representatives of police associations and police chiefs, to develop a consensus of what he believed would be a workable solution to long-outstanding problems that have existed since the Police Services Act included the special investigations unit.

After delivering the report to me, he asked me to ensure that I made efforts to evaluate and judge the level of support that he believes he was able to find, and that's what I'm in the course of doing now. I believe that so far what I'm seeing is that Judge Adams's report is a solid report and gives us the basis to clean up a mess that we inherited and that has existed since the inception of the SIU.

**Mr McGuinty:** As you know, in a democratic society it's absolutely essential that government take all the steps necessary to instil public confidence in their police. One of the big issues, the hot-button item, has been this issue as to whether a police officer who witnesses a shooting ought to be compelled to speak immediately or forthwith with an SIU investigator.

As you know, the face of Ontario, but especially the face of Toronto, is changing. Our visible minorities have a keen interest in the position you are going to take on this issue. Would you kindly stand up now and give us your position with respect to whether or not witness officers ought to be required to speak forthwith with an SIU investigator.

**Hon Mr Harnick:** Everything I've heard so far from the different groups I've been speaking with to get their reaction to the Adams report indicates that the level of consensus that Justice Adams reports on is very accurate. As a result of that, I hope very soon to be in a position to take the necessary steps, that the Liberals didn't take when they were the government, that the NDP didn't take when they were the government, to try and develop for the SIU a very workable way and a very acceptable way to all parties to deal with the issue of witness officers and subject officers.

**Mr McGuinty:** Mr Attorney General, I have some real concerns about the extent of your commitment to the SIU. Right now they are being funded at \$2.2 million annually. The dry cleaning bill for the Metro Toronto Police Force



is \$2.5 million annually, an interesting point of comparison. What we need to know in this province is whether or not you're committed to the SIU. Are you going to increase the resources? Are you going to give them more money? And when are you going to move to change all the regulations necessary so we can compel witness police officers to speak forthwith with an SIU investigator? Are you going to give them more money; when are you going to do that? Second, when are you going to pass the necessary changes to the regulations so that we can require witness police officers to speak immediately with an SIU investigator?

**Hon Mr Harnick:** As I've indicated, former Judge Adams has provided us with a blueprint for the first time to be able to deal with exactly the issues the Leader of the Opposition identifies, and I'm very grateful for that. I'm also very grateful, when we talk about confidence in the SIU, for the work that Mr Marin did in cleaning up the SIU, cleaning up the backlog and providing us as well, on his departure, with some very good ideas about ensuring that the SIU runs properly.

We intend to implement those recommendations as fast as we possibly can after we test the level of consensus for them. I can tell the Leader of the Opposition that in so far as proper resourcing of the SIU is concerned, I agree with the comments in the report and I agree that we have to continue to build confidence in what was an organization that has never had any confidence in it before. We must take very seriously the recommendations we've been given, and I intend to do that. I appreciate the question.

#### GOVERNMENT CONTRACTS

**Mr Dalton McGuinty (Leader of the Opposition):** I have a question for the Chair of Management Board. We've been asking now for weeks about a potential conflict of interest which you admitted was very serious. You had an investigation conducted by the lawyers acting for the Ontario Casino Corp. We raised concerns about the conflict of interest itself found in the fact that the lawyers acting for the Ontario Casino Corp conducted the investigation. You said you were satisfied with the outcome of the report and that as far as you were concerned, the case was closed.

We learned today that there is a second investigation that has just begun. This one is going to be conducted by Stanley Beck, former dean of the Osgoode Hall Law School. He's going to take from four to six weeks to review this whole matter once again. I'm just wondering today, you said the case was closed; you were satisfied with the first investigation. Now there's a second investigation. What's going on, Minister?

**Hon Chris Hodgson (Chair of the Management Board of Cabinet, Minister of Northern Development and Mines):** If you had followed the Hansard, I clearly stated last week that in response to serious allegations about Mr French and Coopers and Lybrand's role in the process around the Niagara casino bid we would try to ascertain the facts. I asked the Ontario Casino Corp, through their lawyers, Davies, Ward and Beck, to provide

us with the facts. When I received those facts, I made them public and you got a copy in the opposition, and the NDP got a copy.

I also pointed out that Ron Barbaro was appointed as CEO. I talked to Mr Barbaro and I stated in the House that Mr Barbaro, in his new role, his new job, was free to take a look at the deal and make sure he was comfortable with it before he made a recommendation, through myself, to the government. If you check the Hansard, I've been pretty clear on that, so your preamble about trying to put words in my mouth is totally false.

What Mr Barbaro and I talked about was to make sure he was comfortable with it, and we agreed on Stanley Beck to take an independent look at it as well before we make a recommendation to sign a contract with the number-one-ranked proposal.

1400

**Mr McGuinty:** I'm just trying to figure out, on behalf of the people of the province, what's happening. The minister in charge of the Ontario Casino Corp says that as far as he's concerned everything is hunky-dory, that there's no conflict of interest. Now the Ontario —

**Hon Mr Hodgson:** I never said that. You're lying.

**The Speaker (Hon Chris Stockwell):** Minister, you must withdraw that comment.

**Hon Mr Hodgson:** I withdraw that.

*Interjection.*

**The Speaker:** Minister, you must withdraw that inference as well.

**Hon Mr Hodgson:** I didn't say anything.

**The Speaker:** No, the minister —

**Hon Dianne Cunningham (Minister of Intergovernmental Affairs, minister responsible for women's issues):** I withdraw.

**The Speaker:** Leader of the Opposition.

**Mr McGuinty:** We've got the minister on the one hand saying that everything is okay and he's quite satisfied with the first investigation. Then we have his appointee to the Ontario Casino Corp saying that he is, quite rightly, uncomfortable with the outcome of the first report so he has decided to conduct his own investigation. He's not happy with the result. He feels that a better and more properly independent investigation ought to be conducted, so he's hired Stanley Beck, the former dean of Osgoode Hall Law School, to come in and to prepare an extensive report for him.

I'm just trying to figure out what's going on over there. Do you believe that a second investigation is warranted or do you not? Are you satisfied with the first one or are you not?

**Hon Mr Hodgson:** One of the first steps to try and understand what's going on is if you would listen to the answer, if you would listen to what I've said for the last couple of weeks. You raised some serious innuendo, and what I undertook was to get the facts. I asked the Ontario Casino Corp to get those facts through their legal counsel, Davies, Ward and Beck. They prepared a report that I accepted and we've appointed a new CEO, Ron Barbaro. I asked Mr Barbaro to make sure that he was satisfied with the process and we agreed that we would ask Stanley

Beck to come in and take a look at it. If you want to put any more words on that, you're clearly not listening to the answers that have been given here.

**Mr McGuinty:** Let's just take the time to go over this once more. There was a serious allegation of conflict of interest. At first you said that there was nothing there, and then you said that maybe it did warrant an investigation. The investigation that you had conducted was by the lawyers acting for the Ontario Casino Corp. That was a whitewash. Then you said: "That's acceptable to me. I don't think there's a conflict of interest there." Now the guy who heads up the Ontario Casino Corp quite rightly has decided that he is uncomfortable with the results of that first investigation; he's decided to bring in a highly respected former Osgoode Hall Law School dean to conduct a second investigation because he's not satisfied with the results of the first investigation.

What I want to know again, Minister, is, are you satisfied with the results of the first investigation or not? Do we need a second investigation or don't we?

**Hon Mr Hodgson:** As I answered in the previous two answers to the honourable member, we received a fax from Davies, Ward and Beck through the OCC; Mr Barbaro was quoted as saying he was satisfied with the facts that we received, and now I think it's prudent to make sure that we take a good look at it. It's his new job and I'm new to this file, and the government wants to make sure that we do everything according to what's open and transparent and in the public interest. I'm sure you're not opposed to having Stanley Beck have another look at this, are you?

**The Speaker:** New question; third party.

**Mr Peter Kormos (Welland-Thorold):** To the Chair of Management Board, please, nobody is suggesting that Stanley Beck is held in anything but the highest regard. But what you have done is repeated the same error — and in this instance through your new head of the OCC — that was committed by the OCC in the last instance. The OCC has retained a lawyer to conduct some sort of investigation. Clearly, Ron Barbaro recognizes that the Davies, Ward and Beck was far from adequate, far from thorough, and that in fact it was tainted because of the intimate relationship that law firm had during the whole course of the process with the OCC.

Once again at the end of the day you've still got the OCC, through its own retained lawyer, effectively investigating itself. Why are you making the same mistake twice? Why don't you resolve the issue and call a public inquiry?

**Hon Mr Hodgson:** One of the things when you're in government is that you have to go with what the facts are. When you raised this innuendo a couple of weeks ago, we asked to find out what the facts were in this situation.

The facts are that we've received the report on the facts around the process from the Ontario Casino Corp through their lawyers, Davies, Ward and Beck. Mr Barbaro was quoted in the paper as saying he was satisfied with those facts, but in his new role as CEO, before he makes a recommendation to sign with the number-one-ranked

proponent, he wants to make sure that everything is in order, and we've asked Stanley Beck to come in and take a look at that.

**Mr Kormos:** If Mr Barbaro were satisfied, he wouldn't feel compelled to retain yet another lawyer to conduct a repeat of what was done by Davies, Ward and Beck.

Let's go back to Davies, Ward and Beck, the OCC's very own lawyers, just as now Mr Beck is the OCC's retained lawyer. The OCC, in their instructions to Davies, Ward and Beck, didn't even want information about the prior relationship. That was critical to any investigation into the conflicts of interest that have been raised over the course of the past three weeks. Mr Beck is going to be receiving instructions from the OCC in terms of what the scope of his questions is to be, just as Davies, Ward and Beck were responsible to the OCC and not to the public, not to the Legislature.

Why are you permitting the OCC to engage in yet another pursuit which will end up with the same taint as did the Davies, Ward and Beck so-called investigation?

**Hon Mr Hodgson:** If the member wants to look at the Toronto Star article from the Saturday, June 13 edition, it says: "Casino corporation chairman Ron Barbaro said he was satisfied with the review and noted it 'was prepared by Davies, Ward and Beck, not by one individual. I believe the report was thorough and that the facts show that there was no conflict of interest.'"

Beyond that, Mr Barbaro talked to me about being even more prudent in appointing Stanley Beck, whom you just admitted a few minutes ago you hold in the highest esteem. So what's your problem with that?

**Mr Kormos:** I hold Davies, Ward and Beck in the highest esteem; they're very good lawyers, which is why they've respected their solicitor-client privilege with the OCC and why they did exactly what they were instructed to do. You don't understand the distinction between what you did and now Mr Barbaro is doing and what a public inquiry is. Mr Barbaro can't call a public inquiry. A public inquiry is public, it's open, it's truly transparent. It permits the summoning or subpoena of witnesses and requires them to testify under oath. That's what's imperative if we're truly going to clear the air around the conflict of interest and the corruption that's been suggested about the casino selection in Niagara Falls.

Mr Barbaro obviously wasn't satisfied with Davies, Ward and Beck. He understands he can't call a public inquiry. You know that you, and only you and your government, can. Exactly what is it that you're afraid of by virtue of a public, open process wherein people are compelled to attend and testify under oath?

**Hon Mr Hodgson:** The member of the third party is fully aware that there has been no contract signed. They are dealing with the number-one-ranked proponent. We have to deal with the facts, and the facts have been outlined and given to you and shared with this House, a report from the OCC about Coopers and Lybrand's involvement in this process. A further step is to have Mr Barbaro satisfy himself by retaining Stanley Beck just to



make doubly sure that the public's interest has been well protected and well served before any contract is signed.

I quote again from your colleague in the NDP, Tony Silipo. He says that Beck's appointment is a step in the right direction. If he agrees with it, how come you don't?

1410

### ELECTORAL REFORM

**Mr David Christopherson (Hamilton Centre):** My question is also to the Chair of Management Board on another of his nightmare files that he's dealing with. This is on your proposed changes to the Election Finances Act. Minister, you keep trying to justify your attempt to buy the next election by saying that you're merely reflecting the all-party commission recommendations, but you know that one of the most outrageous changes, one that allows you to double the amount that the central party can spend every day, that allows you to pour an extra \$1.3 million into your government advertising, was not recommended by the commission. In fact, they said that the central party spending limits should stay the same. You know that, Minister. Why are you trying to tell the people of Ontario that you're moving on this legislation because of commission recommendations when one of the most important, outrageous and dangerous recommendations was not part of the commission's recommendations?

**Hon Chris Hodgson (Chair of the Management Board of Cabinet, Minister of Northern Development and Mines):** I think all parties recognized as far back as the early 1990s that we needed to change and modernize and update the Elections Act and the Election Finances Act. That's why we've gone through a process where all parties were represented on a seven-member panel that voted. Your party had two and you also had the chair, Jack Murray, who was appointed. We had ad hoc committees, with memorandums of agreement signed by each party.

We would have preferred to see an agreement that all parties agreed with. That's why we endeavoured to have meetings with your caucus. Your representative and I met for a couple of hours. Unfortunately, we were boxed in by positions of other parties that said they'd rather play politics with this than negotiate the details.

The recommendation that was made was for the riding per-voter spending limit to be raised to \$1.40. The only thing the Liberal Party had on record in response to the commission's report was that they thought that was too high; they wanted to see the federal spending limits adopted. Actually, they wanted to see the federal rules adopted. We agreed with them on the spending side, but we couldn't agree with them on the donation side, because as you know, in the federal there's no limit.

**Mr Christopherson:** Minister, you continue to fudge the issue. The fact is that the commission, the very commission that you stand behind when you try to justify your attempt to buy the next election, did not recommend increasing central party spending by over \$1.3 million. They did not. My question to you is this: Why are you

pushing ahead with the changes to the legislation that you know will benefit your government because it's your corporate pals who can now double the amount of money they give to you? And why do you say that you have the right to ram it through this place when the recommendation I've raised with you today is not part of the commission's report?

**Hon Mr Hodgson:** As I just explained to the member of the third party, that recommendation came from the Liberal Party in a written response to the commission, that they wanted to see the same rules as the federal had. As you know, the \$1.40 an elector they thought was too high; we agreed with them and we chose the federal spending limit of 96 cents per voter, and that correspondingly raised the party spending to 60 cents per voter. As far as the exemptions and the exclusion list is concerned, that is clearly out now, under the present rules.

**Mr Peter Kormos (Welland-Thorold):** Who's lying now, Hodgson? Now who's lying?

**The Speaker (Hon Chris Stockwell):** Member for Welland-Thorold, you must withdraw that comment.

**Mr Kormos:** Withdrawn.

**Mr Christopherson:** Minister, it still doesn't wash. The fact of the matter is, we're not talking about increases in riding spending; we're talking about increases to central party spending. The last time I looked at a map, the province of Ontario will be the same size in the next election as it was in the last election. This has nothing to do with riding boundaries.

Minister, we've made the point from the beginning that you have ignored the democratic tradition of this place of having all-party agreement before you introduce any changes. We have said to you that you do not have proposals that reflect all the recommendations that are contained in the commission's report. The fact of the matter is, there is no justification for what you are doing except setting up the rules so that you can buy the next election.

I ask you again, will you withdraw the part of your recommendation that increases central party spending?

**Hon Mr Hodgson:** As everyone who has read the recommendations of the commission knows, they talked about total spending of \$1.80 per voter. By accepting the Liberal Party recommendation they had in writing, by combining the riding and the central party, it works out to \$1.56. So you're right; the commission talked about \$1.80 and we're talking about \$1.56. It's less than that, because we tried to get all-party agreement on this and do the right thing for the people of Ontario.

### SHORTLINE RAILWAY

**Mr Dalton McGuinty (Leader of the Opposition):** My question is for the Minister of Transportation. Minister, I want to raise with you an issue of very serious importance to the people of Orangeville. You will know that there is a shortline rail track that's going to shut down shortly. The problem is — and I know you're familiar with this; you had an opportunity to meet with the business

representatives — that 720 local manufacturing jobs hang in the balance here. If that track is shut down, that's what's at risk.

The communities have got together with the businesses and they're prepared to put up the necessary financial resources. What they want from your government is a loan guarantee that would help to preserve 720 jobs. I get the impression from speaking with the business people and the community representatives that you're giving them the brush-off, but you have an opportunity now to say that you're going to provide the loan guarantee. It's as simple as that: you're with them; they're not going to lose the jobs; this government will provide the loan guarantee.

**Hon Tony Clement (Minister of Transportation):** I thank the Leader of the Opposition for the question. I can assure the honourable member and this House that I have not given the brush-off to anyone relating to this issue.

This is a very serious issue. It involves not only the municipal side but also the federal side, because the honourable member knows that it is under the aegis of federal opportunity to deal with this issue that the railways are divesting themselves. Indeed, it was this government that initiated a Shortline Railways Act in 1995 to facilitate keeping marginal lines open to ensure that business was available in Ontario. So I want to assure the honourable member that within the confines of the business plan of my ministry, we will do everything we can on behalf of the citizens in the areas that he's referring to.

**Mr McGuinty:** What I want today from you, Mr Minister, is your commitment —

**Hon Dianne Cunningham (Minister of Intergovernmental Affairs, minister responsible for women's issues):** What they want from the federal representatives, you mean.

**Mr McGuinty:** I see the minister is bringing in the federal representatives, as you did as well in your response. That is not relevant to the people of the city of Orangeville. It is not relevant —

*Interjections.*

**The Speaker (Hon Chris Stockwell):** Hold on. Leader of the Opposition.

**Mr McGuinty:** I see that the member for Dufferin-Peel is somewhat sensitive on this issue. Perhaps in the next round of questions he might want to direct a question to you.

Minister, what I want now is simply a straightforward commitment on your part that your government will provide the loan guarantee; that those jobs are not at risk; that the people in the city of Orangeville can relax; that they don't have to worry about getting any help from their own member, who has been very reluctant to assist in this regard. You will help; you will provide. Can you provide that guarantee?

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*Interjections.*

**The Speaker:** Leader of the official opposition.

**Mr McGuinty:** Minister, once more, can you please stand up in this Legislature today and provide us with your assurance that you will come up with the necessary loan

guarantee so that the representatives of the city of Orangeville and their business leaders no longer have to be concerned about the loss of 720 jobs?

**Hon Mr Clement:** I implore the honourable member to portray his kinder and gentler side more often than he did in the earlier part of his statements. I want to assure him that the member for Dufferin —

**Mr Gilles Pouliot (Lake Nipigon):** Come on, Clement. Just tell him to call Doug Young. This is a federal matter. Get a thousand miles of track up north.

**The Speaker:** Order. Minister.

**Hon Mr Clement:** I can assure this House that the member for Dufferin-Peel has been extremely active on this issue. He has been a worthy advocate for his community. He has been a pit bull on this issue. In fact, the honourable Leader of the Opposition has reminded me that the member for Dufferin-Peel made an offer to his federal counterpart and said, "Look, I think I can fight on behalf of my community in my caucus if the federal government's at the table." The federal government said no.

I want to assure this House that the Ministry of Transportation has been at the table, the Ministry of Economic Development, Trade and Tourism is at the table but a chair is empty. The federal chair is empty.

## PROPERTY TAXATION

**Mr Tony Silipo (Dovercourt):** My question is to the Minister of Municipal Affairs and Housing. Minister, today we hear of yet another chapter in your government's huge mishandling of the property tax reform system. Your rushed market value assessments were so off the mark that the property taxes will have to rise here in Toronto will have to rise by some \$250 per household just to pay for the changes in the reassessment. That's in addition to the extra taxes that you're dumping on homeowners in your attempt to save the business taxpayers from your earlier mistakes, that quite frankly would have put many small businesses out of business. What we're seeing here is the Eveready bunny of tax disasters: They just keep on going and going and going.

Minister, will you finally admit that your property tax reform is a fiasco, and that you should have taken the time, the three years timeline that we and, more importantly, many experts told you that you should have taken to do this? What are you prepared to do now to fix this on-going problem that's going to cause havoc here in Toronto and throughout the province?

**Hon Al Leach (Minister of Municipal Affairs and Housing):** There's one thing we will agree on, and that is that the tax situation in the province is an ugly mess. It has been that way for decades. The people of Ontario finally have a government with the courage to address a very, very serious problem, something you wouldn't even touch, to get assessments straightened out in the province —

*Interjections.*

**The Speaker (Hon Chris Stockwell):** Minister.



**Hon Mr Leach:** Again, the purpose of this reassessment and the purpose of a new tax method is to bring fairness and equity back into the tax system in the province of Ontario, something that hasn't existed for many years. The last time Toronto was assessed was 40 years ago. That's laughably out of date.

**Mr Alex Cullen (Ottawa West):** How many years was a Tory government in power? Over 40 years.

**Hon Mr Leach:** Neither one of these parties — they're always very quick to criticize, but they weren't there to take any action. They finally got a government in the province of Ontario that is prepared to make the very difficult, tough decisions to make sure we have a tax system that is fair and equitable to all citizens.

**Mr Silipo:** Minister, you're being tough, all right. You were being tough on small businesses; you almost drove thousands of them out of business. Now you're being tough on homeowners, who are going to have to bear not only the \$250 on average increase because of the reassessment, but when the appeals are in — and as you know, people have until August 31 to file their formal appeals — we expect thousands and thousands of more changes. So the fiasco is going to continue.

Minister, you've been the government now for three years. You've brought in legislation four times in this House to try to fix the property tax problem and you've made it more of a mess than it was before.

Will you finally acknowledge that it's a mess that you've created, and will you finally take the time necessary at least to contemplate giving municipalities a year's breathing space before they go down this dangerous road and before we all discover what everybody out there knows and what taxpayers are seeing, which is that this system can't work?

**Hon Mr Leach:** To the member from the third party, they always have the same solution: Do nothing. Delay. Don't improve it. Just let the terrible, unfair, biased tax system stay in place forever. You kept it in place for the five years you were in power. You wouldn't deal with it.

What the new assessment system will do, as I said previously, is finally bring some fairness, finally bring some equity back into a very broken property tax system in Ontario. Rather than criticizing, you would think the opposition parties would support getting rid of a broken, unfair system where some people pay far more than they should and others are not paying their fair share.

When this new system is in place — and it is complex, there isn't any doubt about that — everyone will be paying their fair share, fair and equitable, and that's the whole purpose of this bill.

1430

## TEXTBOOKS

**Mrs Lyn McLeod (Fort William):** My question is for the Minister of Education. Last week the tentative list of textbooks approved for your new elementary school curriculum came out. This is the list of books, as you well know, that your government plans to spend at least \$70

million on within the next week. These new books are supposed to support your new curriculum in language, math, science and kindergarten. But, Minister, your new science curriculum was only unveiled a couple of months ago, so not surprisingly, no one has had time yet to write any books to fit with your new science curriculum and, not surprisingly, there are no science textbooks for grades 1 to 5 anywhere on the approved list. Minister, can you explain how you expect teachers to teach your new science curriculum next year when they have no science textbooks?

**Hon David Johnson (Minister of Education and Training):** I'm really delighted to be given the opportunity to talk about this program, which will invest some \$100 million in Ontario in our elementary school system through science equipment and through textbooks for elementary students.

When we took office three years ago, we found two problems at least. One was that there was a huge shortage of textbooks, a legacy of the previous 10 years of the previous two governments. We have identified that problem and addressed it by investing some \$100 million. Second, the science and technology curriculum, all of the curriculum at the elementary and secondary levels, needed to be improved, needed more rigour in it, and we have addressed this.

We have introduced the new science and technology curriculum, a curriculum written by many teachers across Ontario and supported by those teachers. It will be introduced this fall. The textbooks are being developed and will come along in the very near future to support that curriculum.

**Mrs McLeod:** The textbooks may come along, but there won't be any money left to buy the textbooks. That's the problem. The reality is that this minister and his government love to talk about their new textbook dollars, but even more than that they love the idea of having their MPPs get their photo taken presenting the new textbooks for back-to-school time in September.

That, Minister, is why you're insisting that all the orders be in for those textbooks by June 23, next week. That's why you're forcing this through even though there are no science textbooks on the list to support your new curriculum. That's why the majority of purchases are about to go to American publishers. That's why the grade 5 language arts text that follows the grade 4 text, produced by a Canadian publisher, that's now in the classrooms, can't even make the list, because it can't be bound in time to make your deadline.

Minister, if you have any interest at all in good textbooks, if you're more interested in textbooks than a photo op for your members in September, will you delay the deadline for the purchase of textbooks and allow those books to be purchased next fall when there are good, Canadian-produced textbooks on the list for purchase?

**Hon David Johnson:** The amount of money indicated by the Minister of Finance in the budget doubles the amount of money available for textbooks. There is another amount of money in the basic formula for textbooks for all

schools. There was an insufficient quantity of books in our classrooms in Ontario, a legacy of the previous two governments. This government has taken the action of proceeding with the purchase of textbooks to supply our children with textbooks this fall. Will I back off, as the critic for education has asked? Will I back off and deny our children those textbooks? Absolutely not. We want our children to have those textbooks in time for the complete curriculum this fall.

### WATER HEATER RENTAL RATES

**Mr Wayne Lessard (Windsor-Riverside):** My question is for the Minister of Consumer and Commercial Relations. Today Pollution Probe announced that they would be appealing to cabinet the Ontario Energy Board decision that lets Union Gas shaft consumers. The decision will mean that residential customers will face a 44% hike in their gas water heater rental rates and a further 90,000 consumers in northern and eastern Ontario will have their service cut off entirely. Their only option will be either to buy gas water heaters or rent electric ones. In either case, both will be more expensive.

In response to questions from my leader and the member for Riverdale you said, "Clearly, if there is a point in time at which there is some sort of danger of immense rate hikes, we will certainly be there to support the consumer."

Minister, you said you'd be there to support consumers. We expect you to live up to that commitment. Are you going to keep your word to the consumers of Ontario?

**Hon David H. Tsubouchi (Minister of Consumer and Commercial Relations):** Yes, I did say earlier on that if there were immense or huge increases, we would certainly take a look at it. The background information indicates to me that Union Gas recently increased its water heater rental rates by less than \$1 a month, effective April 1998. I hazard a guess that's not a huge or immense rate hike. We do have a commitment to make sure that consumers are protected in this province.

I would remind the member as well that the water heater rental rates are not regulated by the board; they never were. Even under your government they were not, so clearly there's been no change in any type of legislation or regulation of the area. But I don't believe that less than \$1 is a huge or immense hike.

**The Speaker (Hon Chris Stockwell):** Supplementary.

**Ms Shelley Martel (Sudbury East):** Union Gas's own witnesses who came before the Ontario Energy Board said something quite different. In fact, the witnesses from CIBC Wood Gundy Securities said that if the Union Gas rental business was sold to Union Energy, the most defensible, safest assumption is that Union Energy will raise residential rates by 44%. If that isn't gouging of consumers, I don't know what is. It's something you should be worried about.

This is bad news for communities in northern Ontario and eastern Ontario. Some 112 communities like Capreol, Nickel Centre and Valley East, which I represent, will not

be able to rent hot water heaters. Other communities, like Sudbury, Sault Ste Marie, North Bay and Kingston, will see their rental rates increase by 44%.

Minister, you said you would protect the consumers if they were going to be gouged. A 44% rate increase is gouging. People who can't get affordable rates for rental units will have a serious problem because they have no other alternatives. What are you going to do to protect the consumer in this case?

**Hon Mr Tsubouchi:** I'll refer the second part to the Minister of Energy.

**Hon Jim Wilson (Minister of Energy, Science and Technology):** I'll remind the honourable member that it was the Ontario Energy Board, under the leadership of Floyd Laughren, the former finance minister and NDP member of this Legislature, that approved this. Secondly, the Ontario Energy Board did its job on behalf of consumers.

**Mr Bud Wildman (Algonia):** The decision was made before he was appointed and the minister knows that.

**The Speaker:** Order.

**Hon Mr Wilson:** The Ontario Energy Board did its job in protecting consumers. What the honourable members have forgotten to mention here is that the distribution system, which is a regulated monopoly of the Ontario Energy Board, was subsidizing the cost of hot water rental heaters. This is a good move for consumers in that it divides the services part or the competitive part —

**Mr David Christopherson (Hamilton Centre):** You're not going to do it, eh?

**Ms Marilyn Churley (Riverdale):** Correct the record.

**The Speaker:** Order. Minister.

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**Hon Mr Wilson:** The new cost of the hot water rental heaters, which by the way, as my honourable colleague said, have never been regulated by the province — by the NDP government, the Liberal government or any former Conservative government — will be mostly offset by the other side of the equation. The distribution costs by Union Gas will go down by some \$12 million. People will see that portion of their bill go down while they see their hot water rental heater go up about \$1 a month.

Secondly, 9,000 customers will not be left out. That's because of the monopoly situation. By dividing up the monopolistic part and the services part, new competition will come in. For the first time, the people of the north will have an opportunity to purchase or rent hot water heaters from a variety of sources and not be stuck with just one source. The Ontario Energy Board took great pains to make sure no customers —

**The Speaker:** Thank you. New question.

### HYDRO RATES

**Mr W. Leo Jordan (Lanark-Renfrew):** My question is for the Minister of Energy. Minister, I would like to congratulate you and the chairman of Hydro for introducing the Energy Competition Act and other related acts. A modernized power industry will give customers



choice and lower prices and will create even more jobs in Ontario. However, there is concern in rural communities that their electricity rates will not be protected. They want to know if the new utilities will continue to practise equitable pricing.

**Hon Jim Wilson (Minister of Energy, Science and Technology):** I thank my colleague the member for Lanark-Renfrew for the question. It's a very important question, particularly for those of us who represent rural Ontario and remote areas of the province. About 600,000 remote or rural residential customers and about 100,000 farms do rely on rural rate assistance. I can assure the honourable member and all members of this House from all parties that the rural rate assistance provisions in the Energy Competition Act will fully maintain the status quo and will grandparent all current customers. The same amount of dollars will be spent. All of us will continue to ensure that the electricity prices of those in rural and remote parts of Ontario are as fair and as level and as close across the province to all customer classes. The status quo will be maintained, and we've specifically written that into the legislation.

**Mr Jordan:** Thank you, Minister, for that information. How do you plan to proceed with your plan to communicate to rural and remote areas?

**Hon Mr Wilson:** Again, I thank the honourable member for Lanark-Renfrew for the question. It's an important way for us today to assure the people at home and in the galleries who are watching what is in the Energy Competition Act, and that is that rural rate assistance will be fully protected.

In addition, a public awareness campaign is needed. I'll be working with our colleague the Honourable Noble Villeneuve, the Minister of Agriculture, Food and Rural Affairs, this summer. We're inviting all stakeholders, like the Ontario Federation of Agriculture and others, to sit down with us and share their thoughts. However, I should tell you that the stakeholders that have expressed an interest about rural rate assistance to this point are very pleased with seeing it in the new legislation. They can see for themselves that rural rate assistance is fully protected.

#### YEAR 2000 PROBLEM

**Mr Alex Cullen (Ottawa West):** My question is for the Chair of Management Board and it's about the computer chip problem facing Ontario for the year 2000, the possibility of massive system failures in both public and private services.

As you are aware, computer chips are everywhere. They regulate our water, our power, our heating systems. They are also crucial to the health care system, our hospitals, our schools, public safety and the very working of government.

Minister, your government has identified 63 critical areas that must be made ready for the year 2000. Can you confirm to this House that you've allocated sufficient resources to ensure that all the areas the government is responsible for will be ready by the year 2000?

**Hon Chris Hodgson (Chair of the Management Board of Cabinet, Minister of Northern Development and Mines):** It's a good question, and the answer is yes, I can confirm that this government has set aside the resources to make sure we meet this major challenge. This is probably the most major challenge a government has faced. It's a huge technological challenge. We think we've got a plan that will meet that challenge and make sure we have all our systems ready to go.

We started over a year ago to identify systems that will need to be upgraded, and right now we're in the process of converting those systems. We have identified 63 mission-critical systems that are under way right now. We want to have that complete a full year ahead of the year 2000 so that we can test it and make sure there are no mistakes.

**Mr Cullen:** Thank you for that answer, Minister. I guess it comes down to a very simple thing for the ordinary taxpayer in Ontario who holds a health card or a drug card, who lives in a nursing home or hospital, or has a child in a child care centre. Can you guarantee this House that none of these 63 critical areas you have identified will fail in the year 2000? Can you make that guarantee to this House?

**Hon Mr Hodgson:** I appreciate the question. To the best of our ability, we're on track to meeting that objective. I think that's the objective all members of this House and all the public want to see accomplished.

#### CHILD CARE

**Ms Frances Lankin (Beaches-Woodbine):** My question is for the Minister of Community and Social Services. There is a crisis brewing with respect to access to subsidized child care spaces in Ontario. Of course, you will know that the latest example of that is in your own backyard. As you have moved to make it mandatory for single parents on family benefits to participate in workfare in your Ontario Works program, their need for quality subsidized child care is quite evident and the money you have put in is clearly, evidently not enough. In Durham region, they're about to put a freeze on day care subsidies and the year is not even half over. Officials from Durham region are coming to the ministry to meet with your officials to ask for more money. When they come calling, what are you going to say?

**Hon Janet Ecker (Minister of Community and Social Services):** The honourable member is quite right that child care support is extremely important for sole-support families, especially for those on welfare who are trying to finish their education or get into paid employment. That is one of the reasons that under Ontario Works we have increased the funding available for child care. We also introduced, in the recent budget, the LEAP program — Learning, Earning and Parenting — which is specifically targeted at young teens who are trying to get off welfare. In addition, this year's budget enriches the child care supplement for low-income families. There is a fair bit that has been done, and we are prepared to work with the municipalities to do more to expand child care

support for those individuals. I look forward to the report back from my officials when they talk to the Durham region officials.

**Ms Lankin:** It isn't a question of a report back from your officials. You owe an explanation to the people in Durham and across the province. You have not put enough resources in to resource your Ontario Works workfare plan. Beyond that, the child care income supplement that you have put in place will not create a subsidized child care space. It does not help a low-income person who cannot afford the total cost of child care with the pittance you have put into that income supplement.

Let me quote from Annette Miriguay, one of the people you said you wanted to give a hand up to. Here's what she said:

"It's just another slap in the face.

"Every time you try to get ahead in this world, someone leaves footprints on your back."

Minister, you can do something about this. We need an expansion of licensed subsidized child care spaces in this province in order for Ontario Works to work and in order for low-income parents to have the adequate support for child care they need. Will you stop with all the rhetoric around the income supplement, which is not going to do a thing, and will you put the money where it's really needed, in expanding subsidized child care spaces in Ontario?

**Hon Mrs Ecker:** With all due respect to the honourable member, an investment of what will work out to about \$185 million in child care supplements for low-income parents is certainly not in my mind something that could be characterized as rhetoric by any stretch of the imagination.

I would also like to remind the honourable member that according to the Durham region officials, who are also quoted in that same newspaper story, they don't know why this woman is saying that, because no decisions have been made. They are not aware that this woman has been told she can't access child care.

We are meeting with Durham region — it's something we do on a regular basis — to talk to them about how we can continue to have very important child care supports for those individuals who are trying to get off social assistance.

1450

#### FEDERAL-PROVINCIAL JURISDICTION

**Mr John Hastings (Etobicoke-Rexdale):** My question is directed to the Minister of Intergovernmental Affairs and it deals with the ongoing discrimination and unfairness with which the federal government has approached Ontario, whether it be the eight cents per dollar on health care, the second-lowest in the county, or the huge reductions in health care expenditures and transfers to Ontario, or the even more vital area, that the federal government should be responsible for evening out the \$850 per newcomer to Canada compared to the \$2,500 Quebec gets.

Why is it that the federal government persistently, consistently discriminates against Ontario with respect to newcomers to this province, particularly to the Metropolitan Toronto area?

**Hon Dianne Cunningham (Minister of Intergovernmental Affairs, minister responsible for women's issues):** The problems cited by my colleague speak loudly to the need that all Canadians want their governments to work together so we can have efficient and effective social programs, including health. That means all of us.

The federal unilateral decisions don't help, however, especially in areas of provincial jurisdiction. I say that to all of my colleagues in the House, who in fact have had the same position as this government over the years. The problem with the federal unilateral decision-making is that we don't get those effective and efficient programs for the people we represent.

I must say that the status quo is not working. That's why all governments, including the province of Ontario, are working on an agreement to modernize the Canadian federation. There are certain principles that were established by the premiers and the Prime Minister and there were some objectives.

**The Speaker (Hon Chris Stockwell):** Answer.

**Hon Mrs Cunningham:** We're looking at principles, such as mobility and monitoring social programs, dispute settlement mechanisms, collaborative approaches —

**The Speaker:** Supplementary.

**Mr Hastings:** My supplementary deals with the whole treatment regarding diverse communities in this province, particularly in the greater Toronto region. We know there are discussions going on with the federal government regarding a new social union, contrary to the provincial Grits over there, who really take this question totally with alacrity. I find that quite amazing, Minister.

Why is it that we're still getting \$850 per new immigrant to this country, yet Quebec gets \$2,500? How can this state of affairs continue to persist?

**Hon Mrs Cunningham:** The member is absolutely correct. If we did have this framework agreement supporting the principles that the premiers and the Prime Minister have all agreed with, the people of Ontario would be better served. We wouldn't see ourselves not being able to serve our own people in Ontario with regard to the same level of funding in most other provinces, on labour market training, immigration, employment insurance, where it is lower than most other provinces; and where the federal funding for health care — eight cents on the dollar, as my colleague mentioned — and social assistance and higher education under the Canada health and social transfer is lower per capita than any province except Alberta.

We need these rules to guide our governments. There would be no more unilateral announcements if we could have these rules. It's not about ganging up on the federal government or a power grab. It's about ensuring that we have our social programs for all Canadians and that each person is treated equally.



## CONSUMER PROTECTION

**Mr Mike Colle (Oakwood):** I have a question for the Minister of Consumer and Commercial Relations. Consumers are being bombarded with deceitful ads from big companies on a daily basis. Two of the worst examples are the big phone companies and the big car companies whose ads we see daily on television and in newspapers.

Of specific concern are the gigantic ads in the newspapers where enticing claims are printed in big, bold letters, while the real information is buried in the superfine print at the bottom. You know the type I'm talking about: the ones like this, which has a big zero, but then when you read the fine print you find out that you have to pay about 10 or 20 times the so-called loss leader.

With these superfine-print ads happening all across the newspapers, consumers are being ripped off. Even the telephone companies — again, you can't see the fine print. Are you going to put a stop to these fine-print ads and bring about a transparent standard leasing form or contract form for telephones and for cars so consumers won't get ripped off by the likes of these phoney ads?

**Hon David H. Tsubouchi (Minister of Consumer and Commercial Relations):** I thank the member for the question because it's quite timely. The Ontario motor vehicle part of the self-managed industry is currently looking at some of the questions which the member is actually asking. In fact, it is a concern of theirs that the public somehow would receive misleading advertising. So this is currently under review. They expect to have some response back from them shortly. Certainly it is a good initiative. I believe we should be doing something to make sure that consumers are not deceived.

Also, I might add that there is access as well to the Business Practices Act in terms of any misleading types of ads by any companies.

I do applaud the members of OMVIC right now, because this is an issue that they have come up with, that they're pursuing right now, and they'll be making suggestions very shortly.

## PETITIONS

## MULTICULTURALISM

**Mr David Caplan (Oriole):** I have a petition titled, "To the Legislative Assembly of Ontario:

"Whereas the impact of the Conservative government's funding cuts on education is adversely affecting our educational system;

"Whereas over 60 languages are spoken by more than 70 ethnic cultural groups across the country;

"Whereas for more than 20 years the school boards of Ontario have sponsored and supported the international (heritage) language program, helping hundreds of thousands of elementary school aged children to learn their heritage language and culture;

"Whereas in July 1988 the government of Canada legislated the Canadian Multiculturalism Act, which states that every citizen, regardless of origin, has an equal chance to participate in all aspects of the country's collective life;

"Whereas Ontario's diversity is increasingly recognized as an asset in both the domestic and international markets and a major contributing factor in Canada's economic prosperity;

"Therefore we, the undersigned, petition the Legislative Assembly of Ontario to recognize and promote multiculturalism as a fundamental characteristic of Ontario's identity and heritage; and

"Further, we request that the Legislative Assembly support, promote and ensure the continuation of the international (heritage) language program."

This is signed by 160 residents of Oriole and I affix my signature.

**The Speaker (Hon Chris Stockwell):** Stop the clock for a minute. I just want to talk about the petitions again. I know we were reminded last week.

Yes, you may read them, but if you do have a long one, it would be helpful if you could just summarize it. That was long. That was a minute and 45 seconds. If we did it that way, we'd get maybe 10 on a day. It would be helpful to those members so they can get them on. You can summarize them; you don't have to read them verbatim. Especially if you've read it once, maybe you could summarize it. I'd appreciate it.

## BEAR HUNTING

**Ms Frances Lankin (Beaches-Woodbine):** My petition is with respect to ending the spring bear hunt.

"Whereas bears are hunted in the spring after they have come out of hibernation; and

"Whereas about 30% of the bears killed in the spring are female, some with cubs; and

"Whereas over 70% of the orphaned cubs do not survive the first year; and

"Whereas 95.3% of bears killed by non-resident hunters and 54% killed by resident hunters are killed over bait; and

"Whereas Ontario still allows the limited use of dogs in bear hunting; and

"Whereas bears are the only large mammals hunted in the spring;

"We, the undersigned, petition the Parliament of Ontario to amend the Game and Fish Act to prohibit the hunting of bears in the spring and to prohibit the use of baiting and dogs in all bear hunting activities."

I have in front of me today 23,000-plus signatures to add to 40,000 others that have already been submitted. Over 63,000 people in Ontario have signed this. I'm in agreement and will affix my signature.

## SCHOOL CUSTODIAN

**Mr Toby Barrett (Norfolk):** I continue to receive petitions concerning a local janitor who will now not lose his job over language, I'm very pleased to report.

"Whereas the local French community and staff at École Sainte-Marie in Simcoe have signed a separate petition in support of Mr Santiago Reyes indicating that they want him to continue to work as a custodian at their school;

"Whereas Mr Reyes has an excellent performance record and should not be discriminated against on the basis of language or in any other way;

"Whereas the undersigned join the local French community's request that any further attempts to involuntarily displace Mr Reyes from his custodial position at École Sainte-Marie in Simcoe be stopped immediately and want him to continue to work as a custodian in that location;

"We, the undersigned, petition the Legislative Assembly of Ontario to guarantee to Mr Reyes his right to not be discriminated against on the basis of language."

I sign this petition.

1500

## ROAD SAFETY

**Mr Pat Hoy (Essex-Kent):** "To the Legislature of Ontario:

"Whereas there are over 55,000 motor vehicle collisions at intersections throughout Ontario every year; and

"Whereas red light cameras can dramatically assist in reducing the number of injuries and deaths resulting from red light runners; and

"Whereas the installation of red light cameras at dangerous intersections has proven to be successful in Australia and other jurisdictions; and

"Whereas there is a shortage of police officers; and

"Whereas the collisions at these intersections are resulting in serious injury to pedestrians, cyclists and motorists; and

"Whereas the provincial government has endorsed the use of similar cameras to collect tolls on Highway 407; and

"Whereas mayors and concerned citizens across Ontario have been asking permission to utilize red light cameras;

"We, the undersigned, petition the Legislature of Ontario as follows:

"That the government of Ontario support the installation of red light cameras at high-collision intersections to monitor and prosecute motorists who run red lights."

I affix my name to this.

## OCCUPATIONAL HEALTH AND SAFETY

**Mr David Christopherson (Hamilton Centre):** I continue to receive petitions regarding workplace health

and safety. These are from Canadian Auto Workers members and United Steelworkers members. The petition reads as follows:

"To the Legislative Assembly of Ontario:

"Whereas approximately 300 workers are killed on the job each year and 400,000 suffer work-related injuries and illnesses; and

"Whereas the government of Ontario continues to allow a massive erosion of WCB prevention funding; and

"Whereas Ontario workers are fearful that the government of Ontario, through its recent initiatives, is threatening to dismantle workers' clinics and the Workers' Health and Safety Centre; and

"Whereas the workers' clinics and the Workers' Health and Safety Centre have consistently provided a meaningful role for labour within the health and safety prevention system; and

"Whereas the workers' clinics and the Workers' Health and Safety Centre have proven to be the most cost-effective prevention organizations funded by the WCB;

"Therefore we, the undersigned, petition the Legislative Assembly of Ontario to immediately cease the assault on the workers' clinics and the Workers' Health and Safety Centre; and

"Further, we, the undersigned, call upon the Legislative Assembly of Ontario to ensure that the workers' clinics and the Workers' Health and Safety Centre remain labour-driven organizations with full and equitable WCB funding and that the WCB provide adequate prevention funding to eliminate workplace illness, injury and death."

On behalf of my NDP colleagues, I add my name to the petitioners.

## GRAVEL PIT

**Mr David Tilson (Dufferin-Peel):** I have a petition with 68 signatures from Caledon.

"We, the undersigned, understand that there is presently an application pending that would allow the commencement of an operation of a gravel pit at Winston Churchill and Old Baseline Road in Caledon.

"As either a daytripper or a weekender to the area, we believe that we are an affected party and as such would like to register our objection to this application and would ask that all applicable government agencies turn this application down and will not allow such an offensive use to ruin such a close and accessible nature area."

I have signed this petition.

## ROAD SAFETY

**Mr Alex Cullen (Ottawa West):** My petition deals with red light cameras making high-collision intersections safer.

"To the Legislature of Ontario:

"Whereas red light cameras can dramatically assist in reducing the number of injuries and deaths resulting from red light runners; and



"Whereas red light cameras only take pictures of licence plates, thus reducing privacy concerns; and

"Whereas there is a growing disregard for traffic laws resulting in serious injury to pedestrians, cyclists, motorists and especially children and seniors; and

"Whereas the provincial government has endorsed the use of a similar camera system to collect tolls on the new Highway 407 tollway; and

"Whereas mayors and concerned citizens across Ontario have been seeking permission to deploy these cameras due to limited police resources;

"We, the undersigned, petition the Legislature of Ontario as follows:

"That the province of Ontario support the installation of red light cameras at high-collision intersections to monitor and prosecute motorists who run red lights."

I'm pleased to affix my signature to it.

### PROTECTION FOR HEALTH CARE WORKERS

**Mr Dave Boushy (Sarnia):** I have a petition from about 30 people in my riding.

"Whereas nurses in Ontario often experience coercion to participate in practices which directly contravene their deeply held ethical standards; and

"Whereas pharmacists in Ontario are often pressured to dispense and/or sell chemicals and/or devices contrary to their moral or religious beliefs; and

"Whereas public health workers in Ontario are expected to assist in providing controversial services and promoting controversial materials against their consciences; and

"Whereas physicians in Ontario often experience pressure to give referrals for medications, treatments and/or procedures which they believe to be gravely immoral; and

"Whereas competent health care workers and students in various health care disciplines in Ontario have been denied training, employment, continued employment and advancement in their intended fields and suffered other forms of unjust discrimination because of the dictates of their consciences; and

"Whereas the health care workers experiencing such unjust discrimination have at present no practical and accessible legal means to protect themselves;

"We, the undersigned, urge the government of Ontario to enact legislation explicitly recognizing the freedom of conscience of health care workers; prohibiting coercion of and unjust discrimination against health care workers because of their refusal to participate in matters contrary to the dictates of their consciences; and establishing penalties for such coercion and unjust discrimination."

I add my signature.

### MENTAL HEALTH SERVICES

**Mr Michael Gravelle (Port Arthur):** Last week at a very important meeting hosted by the coalition of com-

munity mental health, we dealt with the mental health care crisis in Thunder Bay. Petitions were signed by a number of people, and I would like to read them into the record.

"To the Legislative Assembly of Ontario:

"Whereas proper mental health care is essential to all Ontarians; and

"Whereas mental health care is severely underfunded in northwestern Ontario; and

"Whereas the Health Services Restructuring Commission has called for the closure of the Lakehead Psychiatric Hospital with no replacement services in its place; and

"Whereas appropriate community mental health treatment is so lacking in northwestern Ontario that those who need treatment, support and rehabilitation are incarcerated in district jails; and

"Whereas the Ministry of Health has not delivered on its commitment to set up the Northwestern Ontario Mental Health Agency over one year after it promised to do so; and

"Whereas there is a dramatic shortage of psychiatrists in northwestern Ontario, to the point where the doctors are severely overworked; and

"Whereas the Ministry of Health promised a 12-bed adolescent treatment centre and has failed to deliver on that promise;

"Therefore we, the undersigned, petition the Legislative Assembly of Ontario to commit those funds necessary to provide full and proper mental health care to those in need in northwestern Ontario and call on the Minister of Health to cancel the closure of the Lakehead Psychiatric Hospital."

I'm pleased to sign my name to that petition.

### ABORTION

**Mr Frank Klees (York-Mackenzie):** I have a petition sent to the Honourable Al Palladini, member for York Centre. It was submitted by the Knights of Columbus, St Joseph the Worker Council 10531.

"Whereas Ontario taxpayers funded over 45,000 abortions in 1993 at an estimated cost of \$25 million; and

"Whereas pregnancy is not a disease, injury or illness, and abortions are not therapeutic procedures; and

"Whereas the vast majority of abortions are done for reasons of convenience or finance; and

"Whereas the province has the exclusive authority to determine what services will be insured; and

"Whereas the Canada Health Act does not require funding for elective procedures; and

"Whereas there is mounting evidence that abortion is in fact hazardous to women's health;

"Therefore we, the undersigned, petition the Legislative Assembly of Ontario to cease from providing any taxpayers' dollars for the performance of abortions."

### EDUCATION FUNDING

**Mr Michael A. Brown (Algoma-Manitoulin):** This petition is submitted to the Legislative Assembly of

Ontario on behalf of the following councils: Manitoulin Secondary School, Espanola High School, A.B. Ellis Public School, Charles C. McLean Public School, Assiginack Public School, Central Manitoulin Public School, Massey Public School, S. Geiger Public School, Little Current Public School.

"Whereas the school councils representing two public secondary schools and seven public elementary schools in the Manitoulin-Espanola areas of northern Ontario have recently been apprised of the directive regarding funding formulae based on the square footage per pupil; and

"Whereas the government of Ontario is committed to equality of funding and delivery of programs to all schools in the province of Ontario; and

"Whereas there is a common mill rate for educational purposes across the province; and

"Whereas all northern and rural school boards in this province became part of larger boards in 1969 and then again in 1998, with the understanding that students would receive an ever-higher quality and diversity of education; and

"Whereas for single-school communities and schools whose catchment areas are vast, such as rural and northern schools represented by the school councils listed below, there is clearly a contradiction between the expectations of quality education and the expectation of closing substantial areas of each of our schools; and

"Whereas the school councils listed below have discussed these conflicting goals and believe strongly that there will be no appreciable cost savings, while at the same time, should our schools lose the square footage of educational space that is demanded of them, that this will result in a catastrophic reduction to the quality and equity of educational opportunities for our rural and northern children.

"Therefore, we petition the Legislative Assembly of Ontario to halt implementation of this arbitrary directive for one year in order that a full assessment can be conducted on the ramifications and implications to the quality and equity of educational programs and services in northern and rural schools and their students."

I am proud to affix my signature.

1510

#### HOSPITAL ADMINISTRATOR

**Mr W. Leo Jordan (Lanark-Renfrew):** This petition concerns the appointment of David Levine as administrator of the Ottawa Hospital, and it reads as follows:

"We, the undersigned, are responsible taxpayers. We believe that the Ottawa Hospital board, and in particular Nick Mulder, acted irresponsibly in appointing David Levine as chief administrator. As our parliamentary representative, please let it be known in Queen's Park that we think both these officials should either resign or be fired."

The petition is signed by a number of constituents of mine, and I affix my signature.

#### ELECTORAL REFORM

**Mr James J. Bradley (St Catharines):** This petition is to the government of Ontario and the Legislature.

"Whereas the Conservative government of Mike Harris is trying to increase the limit on the amount of money that corporations and individuals are allowed to contribute to political parties and individual candidates in Ontario; and

"Whereas the Harris government plans to introduce legislation to permit political parties and candidates to spend far more money during election campaigns; and

"Whereas the Conservative government of Mike Harris would like to remove certain campaign expenditures such as polling and campaign headquarters equipment from the spending limits placed on political parties and candidates; and

"Whereas the Conservative government is proposing to abolish the Ontario election finances commission, the watchdog agency policing political contributions and expenditures; and

"Whereas the Harris government wishes to shorten the length of provincial election campaigns and to permit expensive media advertising throughout the entire campaign period, thereby favouring the political parties and candidates with the most money; and

"Whereas the changes to the Election Finances Act proposed by Mike Harris will give undue and unacceptable influence to the wealthiest and most powerful interests in our province and will result in the problems that have plagued the American political system, where money plays a central role;

"Therefore we, the undersigned, call upon Mike Harris to abandon his planned legislation which will permit substantial increases in the amount of money that can be contributed by corporations and individuals to political parties and candidates and the amount of money that political parties and candidates can spend in provincial elections."

I affix my signature, as I am in full agreement with this petition.

#### ORDERS OF THE DAY

##### ECONOMIC DEVELOPMENT AND WORKPLACE DEMOCRACY ACT, 1998

##### LOI DE 1998

##### SUR LE DÉVELOPPEMENT ÉCONOMIQUE ET SUR LA DÉMOCRATIE EN MILIEU DE TRAVAIL

Resuming the adjourned debate on the motion for second reading of Bill 31, An Act to promote economic development and create jobs in the construction industry, to further workplace democracy and to make other amendments to labour and employment statutes / Projet de loi 31, Loi visant à promouvoir le développement économique et à créer des emplois dans l'industrie de la construction, favorisant la démocratie en milieu de travail



et apportant d'autres modifications aux lois ayant trait au travail et à l'emploi.

**Mr Dave Boushy (Sarnia):** I appreciate this opportunity to speak on the second reading of Bill 31, the Economic Development and Workplace Democracy Act, a bill that will have a tremendously positive impact on the community I represent once passed.

I have previously spoken on this subject and made my argument for the provisions of this bill related to the construction industry during the Throne Speech debate, when I urged swift introduction of this legislation, so today I will not repeat myself.

I believe everyone in this House is quite familiar with what this bill would accomplish. As a government and as government members committed to continuing our successful jobs agenda, I know all of us know how much better our economy's stability and growth will be as a result of this bill.

While opposition members will naturally try to put a negative spin on this bill, like they have on our job-promoting tax cuts and just about everything we say and do, I would respectfully ask the members of the Liberal Party and the NDP to really think about what this legislation means to communities like Sarnia before you automatically cast a vote against this initiative.

I want to tell you that major investments and expansions in our petrochemical sector will not only create construction jobs, but permanent good-paying employment in the industries will result, and further jobs will follow in a spinoff effect.

Once new plants and expansions are commissioned, permanent benefits to our community and others in the province will be created through the need for ongoing purchases of material and equipment. This is good news for construction workers, skilled workers seeking decent jobs and the youth of today who need to know they will have a place in our economy when they graduate.

If the opposition does not believe in the positive effects of Bill 31, I would suggest they should go back to their communities and listen to the quiet majority and to what's being said.

In my own community, I have been overwhelmed with the reaction. Construction workers are more confident that they'll be working in the future, business and community leaders who are encouraging new developments and investments feel their jobs are about to become easier with this bill's initiatives, and small businesses are looking forward to the increased economic activity that will reflect on their own continued success.

If opposition members don't wish to believe our government about the impact of this bill, I wonder what they think about the extremely positive reaction that continues to be voiced.

An editorial from the Observer, Sarnia's daily paper, is headlined, "Labour Bill Good for This Area," a blunt headline from a paper that's respected in my community for taking a critical look at the issues. Anyone familiar with my daily newspaper knows that the paper does not lightly applaud any government initiative until the

editorial team has spent the time to do the proper community research.

I would like to read to you part of the editorial, "Labour Bill Good for This Area."

"A new provincial bill introduced...is good news for Sarnia-Lambton. The Economic Development and Workplace Democracy Act addresses the issues of competitiveness in the construction industry. Specifically, the bill creates a framework for companies and unions to negotiate specific agreements on major industrial projects in Ontario.

"The changes, once they become law, will allow for what's known as project agreements, which help local firms compete for high-tech and petrochemical projects.

"The bill also makes the union certification process more democratic. For example, it ensures certification can only occur when a majority of employees support a union in a secret ballot. As it stands, a union can be certified to represent employees without a vote, or regardless of its results....

"What project agreements do is allow lower wage costs to be negotiated on a onetime basis. Business and labour can work together, and with give and take create an attractive package to benefit both sides."

It ends by saying, "Be ready to invest, indeed."

This editorial touches on one of the most important aspects of project agreements. It enables local business and labour to negotiate and bargain for a mutually beneficial goal. As just about anyone in every community will tell you, local considerations and needs are much better represented through local decisions.

Providing a framework for local parties to negotiate specific project agreements outside the terms and conditions of province-wide agreements will transfer more decision-making power to local labour and industrial communities.

This measure was not taken lightly, nor was it taken without extensive research and consultation.

Alex Lolua, the director of government relations for the Building and Construction Trades Council of Ontario, has noted in both the Windsor Star and the Globe and Mail that trade unions have been speaking with our government about project agreements and agreed with changes to encourage large construction projects that may not proceed without ways to shave some costs.

With the introduction of Bill 31, I'm happy to report that the tools for attracting major new investment to my community that are contained in this legislation have already boosted the hopes and expectations of Sarnia-Lambton residents. Our community is eager to take advantage of the opportunities to provide more prosperity in our area.

1520

Let me give you an example. Here's a full-page ad in the Sarnia Observer, presented to the people of Sarnia and to our government on behalf of the citizens of our community — one full page. I would like to read it.

"Dear Premier Harris: We'd like to thank you and the government of Ontario for listening to the people of Sarnia.

"Your commitment in the throne speech to 'amend labour legislation, particularly as it affects the construction industry,' will help Sarnia-Lambton to compete for billions of dollars in new investment, and jobs from a growth industry in the new economy — the petrochemical industry.

"As Minister of Labour Jim Flaherty stated in an April 24, 1998, *Globe and Mail* article, the proposed changes would make it easier for employers and workers to reach project agreements that would be competitive with other jurisdictions in North America.

"The Sarnia area holds an enormous potential for new investment and job growth in the petrochemical industry; but we have not been able to realize that potential because construction costs of province-wide bargaining in the building trades have been steering that investment to Alberta and the US gulf coast."

This full-page ad is on behalf of the people in my area, and I want to continue quoting from it.

"Project agreements would allow us to compete for a number of proposed multimillion-dollar projects that would not only bring thousands of construction jobs to Sarnia, but also hundreds of long-term, highly skilled, good-paying jobs in the industry, and thousands of spinoff jobs in the community.

"Your commitment is good news for Sarnia-Lambton and we look forward to working jointly with our local building trades council to win that investment to our region.

"On behalf of Sarnia Construction Association," and it's signed by two officers.

Let me add that I am very happy to see that there have been some announcements when this bill was introduced, a lot of investment that Sarnia and Ontario can grab.

Canadian Chemical Producers' Association chairman Dennis Lauzon has noted that:

"These amendments are good for Ontario as they will create a competitive and attractive environment for investment in the province. This in effect opens the door to a pool of potential investment of some \$2.5 to \$5 billion."

The CCPA estimates that every \$1 billion in new investment in the province produced 8,500 new direct and indirect jobs.

CCPA president Richard Paton went on to say that:

"By our calculation, we're looking at the potential of creating 42,500 new jobs for Ontarians. We see this as good news for our industry and good news for Ontario workers. It's a situation in which everybody comes out ahead."

These are the people who know better than anyone, especially, I might add, in this House. They are in the business and they know what's coming and what could come to Ontario.

Before I finish, here's one more editorial from the *Sarnia Observer*. I think the first sentence says it all:

"Call it a happy coincidence, but only a day after labour reform legislation was introduced, plans for a \$400-million cogeneration power plant were unveiled" in our community.

There's no doubt in my mind that this bill has instilled confidence in investors by providing the flexibility to negotiate specific agreements for major industrial projects, the guarantee of stability to see the work through, and an economic climate that boosts our competitiveness.

As Dr Gunter Hilken of Bayer noted about Bill 31, "This removes the final impediment that will help us attract more international investments to this area."

When they talk about the Sarnia area, they also talk about Ontario. Bill 31 would create more investment and jobs in Ontario. It deserves support from all sides of this House. Before the opposition votes, I urge you to ask yourselves, do you want to oppose this bill just because you feel that's what is always expected of the opposition, or do you want to add your support to stimulating and strengthening Ontario's economy: jobs, jobs and jobs? You have the choice.

Just think of the confidence we could instil in potential investors by sending out an all-party united message: "The future is in Ontario — the best place in the world to invest and live in."

**The Acting Speaker (Mr Gary L. Leadston):** Questions and comments?

**Mr Ted Arnott (Wellington):** I would like to congratulate the member for Sarnia for his fine presentation this afternoon. I thought it was an excellent speech. I know that he along with his colleague and seatmate, the member for Lambton, both my friends, are both too modest to talk about the extraordinary contribution that they made to the development of this bill. They've both been working on it for many months and they deserve a great deal of credit for their hard work representing their constituents.

Their work demonstrates a kind of case study as to the effect, the impact backbench government members can have working through the channels. Obviously the government has listened to their concerns and is prepared to bring forward legislation. When we think about what legislation came forward in this House in the last Parliament, most of that legislation seemed to be designed to take away jobs; or at least that was the effect, whether or not it was their direct intent.

This bill will contribute to economic growth in the Sarnia and Lambton area in a great way. As we have seen, authoritative comment from the area indicates that this bill will open up potential investment of some \$2.5 billion to \$5 billion and be responsible for the creation of over 42,500 jobs, so it's extremely good news for the Sarnia and Lambton area. I would just like to congratulate my colleague the member for Sarnia, first of all, for his speech this afternoon, and also, along with the member for Lambton, for the extraordinary work they've done on behalf of their constituents, contributing to this kind of economic stimulus to their community.

**Mr Richard Patten (Ottawa Centre):** I would like to respond to the member for Sarnia. I see that he is full of enthusiasm and optimism and talks about the great potential that is in his area. I believe that to be true, but I also believe that by the manner in which you go about it you may also be creating other problems in other parts of



Ontario, indeed maybe even in your own area, by virtue of how you go about it.

I have talked to a lot of representatives. I noticed that you quoted many company representatives and many company presidents. I expect they would see anything that loosens up the procedures and the ways in which you go about doing things as welcome because they are always pushing for the greatest degree of individual freedom for them to operate their particular business in order to maximize their profits and to promote their own businesses. I take that as fair ball.

That's why we have legislation, to provide some balance, so that at the same time we know that there is also fairness for workers, and there's fairness for small contractors as well as big contractors, and there's an opportunity that everybody who is going to play a role in creating this future wealth in your particular area, for example, will also share in the benefits and you will have a win-win situation.

My understanding is that you were not all that far apart, at least in terms of the major project agreements. I'll address that in my presentation shortly.

Your optimism, I hope, is well placed. I hope it is not undercut by the worries that are out there. Again, I will address that in here. In spirit, I am with you in terms of your hope for the future, but there are many concerns that have to be addressed.

1530

**Ms Shelley Martel (Sudbury East):** With respect to the comments made by the member for Sarnia, I'm happy for him that he has some folks who have written in support, and he read those support letters into the record this afternoon. But I guess it's incumbent upon me to put a different perspective on the record, because we have also received, from other people who are very concerned about this legislation, comments that are quite different from the perspective that the honourable member has raised.

For example, this letter that was written to Jim Flaherty dated June 12, 1998, from the International Brotherhood of Electrical Workers Construction Council of Ontario, says the following in the final paragraph: "It is the opinion of the IBEW Construction Council of Ontario that the proposed legislation would also have a dramatic impact on existing labour management relations for the whole construction industry in the province of Ontario. It will jeopardize present relationships between labour and management and could lead to a series of general disruptions in the construction industry. We are very aware that the construction industry in the province of Ontario is just beginning to break out of the recession. You sir, and the legislation that is being proposed through your office, could put an end to the construction upswing."

Finally he says, "It is absolutely incredulous that your government proposes to enact such legislation that has the potential for severe economic consequences without thorough dialogue with all parties."

It is clear that there is a difference of opinion on this important piece of legislation. While the member and people in his community believe this will result in many

jobs and great economic benefits, there are other people also involved in construction in this province who have a far different view and who believe very strongly that some dialogue and public consultation is required before this thing goes any further.

**Mr Steve Gilchrist (Scarborough East):** I appreciate the opportunity to give some brief comments in response to the member for Sarnia and, first off, to thank him for his diligence in working on behalf of the people of Sarnia who have been asking for this piece of legislation for quite some time. They have been very frustrated by the fact that a very small, very vocal minority have been holding up these very important projects, projects that by the estimation of the Canadian Chemical Producers' Association would result in thousands and thousands of not just construction jobs but permanent jobs in the petrochemical industry; jobs that we are losing to the United States and elsewhere because of the intransigence of certain people in Sarnia, certain labour leaders who couldn't get together.

I find it ironic that the other side in this chamber is taking the position that the majority doesn't rule now, that one union shouldn't have one vote when we're coming together to talk about these projects. Well, of course they should. We should not have allowed the sort of ostrich-like approach to the future of construction, the future of the petrochemical industry, that has pervaded some segments of the union membership in Sarnia to hold up these important initiatives.

The member is to be applauded for his comments today and for the hard work he has done on behalf of his constituents. I believe that anyone taking the time to go on the Internet and read this bill will see very clearly that it is the fairest possible approach to breaking the logjam, to ensuring that we have these thousands of quality jobs — not minimum-wage jobs; these are extraordinarily well-paying jobs — today and for decades into the future, promoting Ontario's inherent competitiveness, building on the strengths of the petrochemical industry that we can already boast of and getting our foot in the door with many more projects, ensuring even more prosperity in the Sarnia area in years to come.

**Mr Boushy:** I want to thank all those who spoke in regard to this matter. I just want to say very briefly that at one time Sarnia was, and still is, the chemical valley of Canada. At one time it was one of the few cities which contributed the most to the economy of Ontario, but for 20 years we haven't had a major project in our area. For 20 years we haven't had any major project, until lately.

I just want to say to the opposition NDP that about a year or two years ago there was project agreement proposed. There were 14 unions involved; 12 unions voted for project agreement and two were against, and the one you quoted from was among the two that voted against it. We are not going to have 100% agreement on this, but I can tell you that the majority of unions in our area may not support the labour publicly, but they are in favour of it, because 12 of them already voted for project agreement some years ago.

Another thing I would like to remind you is that this bill did not just come about in the last two months. There has been tremendous consultation, first by the former labour minister, who spent something like at least a year discussing the issue with the labour unions and with everybody concerned, and then the present labour minister also took at least six or seven months' consulting. This came about by consultation, by listening to them, and this is the least harmful of any proposal that could come out of it. It's good for Sarnia and it's good for Ontario.

**The Acting Speaker:** Further debate.

**Mr Patten:** I'm pleased to speak on this important bill, the Economic Development and Workplace Democracy Act, introduced by the minister on June 4.

Upon introduction, the minister said the act is part of a plan to continue building a strong economy and to create more and better jobs. Who would not agree with that kind of goal?

But I want to say at the outset that I look at this bill in two parts. The part that the members for Lambton and Sarnia are most concerned about, project agreement, is the one that I can probably support in principle, and I repeat, in principle. I support the direction in which it is moving, but there are some concerns, and I will attempt to address those.

Project agreement is section 163, and it goes on for probably four pages. That, in and of itself, is the portion about which some members and some parties have the least amount of worry. It's the introduction of all the other sections that impinge upon that, relate to it and then relate to the general agreements we have province-wide where there is major concern and major worry.

I'm well aware that the construction contractors and the construction trade unions have been unable to reach a new framework agreement for Ontario's construction industry for some time now. We're of the opinion that the bodies were not all that far apart, so part of my plea today is that with a little more effort this may have come about. The minister himself has acknowledged in the House that the best possible solution overall is when the various parties who are looking at agreements resolve the situation between or among themselves. I think that's an important principle and I agree with that principle.

The minister told me that he has had meetings with the affected parties on a regular basis, but the involved parties, the Building and Construction Trades Council of Ontario in particular, the construction unions' umbrella organization which represents over 100,000 construction workers in this province, has indicated that Bill 31 has changes in it that were never discussed with the minister or with his officials. They were not on the table. It was not as if there was a disagreement on them. It was a surprise to them when the bill came out. Some of the features in the bill were never discussed, and they did not have a chance to react, to respond or perhaps agree with them.

1540

There has been a long-standing tradition in significant labour legislation in this province, as the minister and members know. Patrick Dillon, who is the business

manager and secretary-treasurer of the Provincial Building and Construction Trades Council of Ontario, wrote to you, Minister, on June 8 and made his views known. He said to you, "I am writing to express my disappointment with the introduction of" this particular bill — I won't read it word for word, but I'll paraphrase as I go along to give you the spirit of what's communicated — "and your failure to consult with the industry on a number of crucial aspects contained in the bill.

"The construction industry has consistently conveyed to all ministries its uniqueness and the fragility of our labour relations climate. It is for these reasons that all ministers of labour have traditionally consulted with the industry before enacting legislation which would impact on construction. The bill in question contains several provisions which should have been the focus of industry consultation.

"One such example is the section dealing with the non-construction employers. During our industry discussions over the past year and a half, this was never raised as a concern by employers or government. In fact, the government had several opportunities to address these concerns in Bill 7 and again in Bill 136. The prescription contained in the bill fails to recognize the relationships that have developed in our industry as a result of the rules as they have existed. Another such example is the section relating to the collective agreements covering maintenance work."

He says, "I am appalled with you and your staff, that in the number of meetings we had discussing 'certain perceived problems in the construction industry'" — I guess he's quoting you — "you chose not to discuss this very important issue with us."

This particular bill "may well result in some destabilization of our industry. Your actions put in jeopardy the many cooperative industry efforts that are currently in existence by forcing the labour market partners to take violently opposing positions on these matters.

"Minister, I can say in all honesty to you that I have tried to work in good faith with both you and your predecessor in the best interests of the construction industry. I have accepted your acknowledgement that the building trades unions have done a great deal to effect a solution to perceived problems. Despite our willingness to discuss matters and propose solutions," this particular bill "is not indicative of what constitutes meaningful dialogue with our council or with the people we represent.

"This letter by no means expresses all of our concerns with the bill and the process by which it came about. At the very least, you should make every effort to hold public hearings on the bill and allow the industry to comment on its content. I am very disappointed that our message of how fragile our industry is was not understood by you and your staff. I regret that these unilateral actions may result in many unnecessary and unintended consequences, which will not serve our industry nor our economy well.

"We are requesting a meeting with you as soon as possible to discuss the bill and its impacts on construction.

"Patrick Dillon

"Business Manager



"Secretary-Treasurer

"Provincial Building and Construction Trades Council of Ontario."

My concern is that an imposed solution will not result in long-term, stable labour relations in Ontario's construction industry, as I hear about it, and I will quote from some other sources shortly.

This bill will have a major impact on construction projects all over Ontario. Since the affected parties have genuine concerns about the lack of consultation on all aspects of this bill prior to its introduction, I would urge the minister to have meaningful public hearings so that the construction trades association, construction workers, contractors, employers and any other parties have the opportunity to present their views and their concerns and so the opposition has a chance to present amendments.

Meaningful public hearings: I'm not talking about, if you're talking about the whole bill, a two-day experience. That perhaps can be satisfied with another recommendation that I have for you later on, Minister. I'm talking about adequate time to hear from those groups that want to be heard in different regions of the province. I'm talking about giving reasonable time for the opposition to prepare amendments to the bill, after having listened to testimony. I'm talking about giving time for the preparation and distribution of the research report summarizing the submissions and addressing points asked by the committee before amendments are heard. I'm talking about hearing all the amendments, not time-allocating the process, as has been your government's practice in the past.

As you would well know, although you weren't minister at the time, on Bill 99, the Workers' Compensation Reform Act, we had prepared 57 amendments, of which only two were heard before time allocation kicked in. On Bill 136 we were given in effect one hour of statutory time in this Legislature to prepare responses from — I forget how many — maybe 60 to 80 witnesses. We finished on a Friday afternoon. I refer to democracy. The minister says he's concerned about democracy; so am I and so are a lot of people. But in terms of having one hour to respond, it was quite obvious the government knew what it wanted to do. It wasn't going to listen to the witnesses. If I had been a witness at that time, I would have been insulted and I would have thought, "What's the point of all this?"

When the hearings finished on Friday afternoon at 5 o'clock, we were then expected to listen, respond and consider the good suggestions from the good people who came forward, and 99% of the presentations were extremely thoughtful, very thoughtful. People came forward making sure that their thoughts were to be considered and they did some analysis. In order to take that information and absorb it and put forward amendments for good legislation, we had one hour. I don't call that democratic and I don't think anybody in their right mind would.

There are several stakeholder organizations representing building trades organizations. I know that they have written to you, Minister, since you introduced your bill

and that they are formally requesting that this bill be the subject of public hearings across the province, so both labour and management and owners of companies, whoever has a stake in the industry, can have input into such an important piece of legislation.

Some of these groups include the Provincial Building and Construction Trades Council of Ontario and I just read a letter there. Another letter is from Mr Cartwright of the Toronto-Central Ontario Building and Construction Trades Council. What's he asking? The same kind of thing: "I am formally requesting that this bill be the subject of public hearings across the province. I am sure that not only labour but management from our industry will want the opportunity to have input to such an important piece of legislation."

Who else have we got? We've got the Marble, Tile and Terrazzo Union.

**Mr Rosario Marchese (Fort York):** On a point of order, Mr Speaker: There is no quorum in this place. Would you please check for a quorum?

**The Acting Speaker:** Is a quorum present?

**Clerk Assistant (Ms Deborah Deller):** A quorum is not present, Speaker.

*The Acting Speaker ordered the bells rung.*

**Clerk Assistant:** A quorum is now present, Speaker.

**The Acting Speaker:** Member for Ottawa Centre.

1550

**Mr Patten:** Another stakeholder is the Marble, Tile and Terrazzo Union, Local 31. What are they asking for? The same kind of thing. They're asking for hearings. They're asking to be heard. They feel that not considering their views "would be a serious breach of trust with our union and its members which will be long remembered."

"I urge you to recognize the inappropriateness of both the process and much of the content of Bill 31 and listen to input from those of us who must live with its consequences."

The International Brotherhood of Electrical Workers, Local 353, same kind of thing, asking for public hearings across the province: "I'm sure that not only labour but management from our industry will want the opportunity to speak."

The Sheet Metal Workers' International Association, Local 30, same kind of request to the minister, asking for an opportunity to respond, not just for themselves, but for others to speak.

The United Brotherhood of Carpenters and Joiners also has sent a letter to you, Minister, asking for what? To please provide an opportunity to have public hearings across this province, not only for them but for anyone else who has a stake in their business, from Donald Guilbeault, Local 2041, in the Gloucester area.

"Jerry Boyle, business manager of the Ontario Pipe Trades Council, announced that his membership will mobilize against the government's latest attack on workers' rights in Ontario. 'This legislation is not only about the construction industry, it has implications for the entire labour movement,' said Mr Boyle."

The International Brotherhood of Electrical Workers Construction Council of Ontario, to the minister, June 12: "It is the opinion of the IBEW Construction Council of Ontario that the proposed legislation would also have a dramatic impact on existing labour-management relations for the whole construction industry in the province of Ontario. It will jeopardize present relationships between labour and management and could lead to a series of general disruptions in the construction industry." They're asking for a chance to respond.

The International Association of Heat and Frost Insulators and Asbestos Workers, Local 95, asks for the same thing. Mr Joe de Wit, business manager, asks for an opportunity to comment, to provide advice, to provide their experience on what this legislation will do that will affect them.

The Independent Contractors' Group. This is not just a trades group. This is the Independent Contractors' Group, which has both unionized and open-shop members. It is asking likewise for public hearings.

The Ontario Provincial Council of the United Brotherhood of Carpenters and Joiners likewise adds their particular voice to this:

"As a representative of over 15,000 construction workers in the province of Ontario and having participated in the consultation process with your ministry trying to arrive at an industry solution, I am totally shocked at the introduction of issues which were never identified in our discussions. For you to state that this legislation if passed will keep Ontario's labour relations system flexible, fair and efficient is totally an inaccurate and biased opinion.

"I am formally requesting that this bill be the subject of public hearings across the province. I am confident that" all parties "as well from our industry will invite the opportunity to have input to such an important piece of legislation. Without giving the industry affected by Bill 31 a chance to respond to the serious implications it will have on both labour and management would be an injustice.

"Sources of information indicate that the government intends to force this legislation through during the current session. This action would destroy any faith or trust our organization currently would have in your government."

Signed, "Byron Black, secretary-treasurer, Ontario Provincial Council, United Brotherhood of Carpenters and Joiners of America."

There are a number of sources; there are others. I'm sure you're getting faxes as well as me, into my office on a daily basis.

Bill 31 sets out a new process for negotiating specific agreements for "major" industrial construction projects. A proponent industrial company or major contractor acting on behalf of a property owner can negotiate a contract for a specific economically significant — and I underline "economically significant" — project directly with local construction unions. This contract can contain terms and conditions that differ from province-wide industrial-commercial-institutional, or ICI, construction union agreements.

I support the intent of this particular section of the bill in principle, but I have a number of concerns as I have heard and listened to some of the representations.

First of all, there is no definition in the legislation of what constitutes a major industrial construction project. The minister stated that these projects may include those contemplated by the multibillion-dollar petrochemical sector as well as other innovative, high-technology-based industries. Fair enough. The parliamentary assistant, Mr Bart Maves, suggested that they might help local firms compete for high-tech and petrochemical projects. But concerns have been expressed that they might also include all construction projects if Toronto were to win, for example, an Olympic bid.

Second, there is no definition in the legislation for "economically significant." For example, would construction on the Lakeshore or the Gardiner or the Don Valley Parkway or, in my riding, the Queensway-417 qualify as a major and significant project? Who defines this? Is it the labour board that defines this? Is it the minister's office? Is it the ministry? We haven't yet seen a definition.

Finally, the one-union, one-vote system, which will give every union in the negotiations one vote no matter how big or small they are, is not a fair way to proceed. Wouldn't it be fairer to consider how many members represent each trade? The 60% who vote in favour with the one-vote, one-trade formula could represent a minor part of the people working on the project, let alone a minor part of the construction job itself. It could represent only 20% or 30% of the construction workers affected, whereas the two or three larger ones could represent 60% or 70%. The 60% rule should be 60% of those workers affiliated with the construction industry for that particular project.

You can see, Minister, and this was raised last Thursday afternoon, that sticking to one union, one vote really can go counter to your wish to have a democratic situation. You may have 15 different trades but you may have three trades that represent 50% or 60% of the work. If those three trades are out of step with what others may have going for them by virtue of their ongoing agreements provincially, they can be overruled. Would that be democratic? I leave that issue to you.

**1600**

I know there was a recommendation to your ministry on another way of going about that. As a matter of fact, I will mention it now. A final proposal, of July 18, 1997, to the Minister of Labour representing the position of the labour members of the industry committee offered an alternative to the one union, one vote in this legislation. Their proposal was as follows. I have the whole proposal here and I don't plan to read it all, but I want to point out that this is a result of many long hours of discussion:

"A vote of those affected will be taken, with each local union representative entitled to cast one vote for each provincial agreement binding upon the members of his or her respective international building trades union, with an additional vote to be cast" — this is the important part — "by any such representative if 40% or more of the estim-



ated hours of work on the project will be performed by such members under a particular provincial agreement.”

Minister, that was not responded to in your bill; it was ignored. You just went back to the simple one-union, one vote. That will cause some difficulty, and the people in the industry would like a chance to illustrate to you the ways in which that may cause some difficulty and how it would have some adverse effects.

I'm talking, in this particular section, about the project agreement section of the bill. It would seem to me that there appear to be a number of legal flaws in the bill, which demonstrate that the legislation heretofore has been rushed, that the government is anxious to get this bill through in a matter of 10 days or so and that what has happened with other pieces of legislation before the House — we already have the fifth bill looking at property tax to resolve and provide a more equitable property tax arrangement throughout Ontario, and what do we find? We've got the fifth bill to try and address this. Why? Because the government doesn't want to listen; it wants to move quickly. If it moves quickly, then it gets taken to court. Then it has to move back and take a look at legislation. They weren't serving some people they thought they were serving, who were their friends, because they didn't listen and moved too quickly. I suggest to you, Minister, that this is one such bill, and I would like to give you a couple of examples.

Here is one: Bill 31 amends the definition of “collective agreement” to exclude a project agreement. The grievance arbitration provisions of the act require that there be a collective agreement before binding arbitration is available. Therefore, it is no longer clear how a violation of the project agreement would be or can be dealt with. This would represent a serious problem for stable labour relations.

The second one was that, although unionized labour from the building trades is supposed to be used on the sites of a project agreement, there is no explanation as to what this will mean with respect to payments to training funds or to workers' pension plans since these workers are working outside their provincial bargaining agreement.

These are but two serious gaps in the legislation which have been brought to the minister's attention, but there has been no action to remedy the problem. Why hasn't there been some, Minister? If they are not addressed, I have been told, as I'm certain the minister has, there will be serious problems for labour relations in Ontario which will further tie up the limited resources of the labour board. That is why there is a need for public hearings, so that there can be a proper review of the impact this bill will have on the labour relations situation throughout all of Ontario.

Prior to the introduction of this bill, the member for Lambton, Mr Beaubien, asked the Minister of Labour a question in the House about project management as a way of dealing with the situation in the Sarnia-Lambton area. He said, “In the past 10 years, the Sarnia-Lambton area has experienced a very sluggish economy, mainly due to the fact that there has been a slowdown in the construction

industry and in the petrochemical industry. The Sarnia area is not competitive with the gulf coast states.”

The minister acknowledged in his reply, “Yes, indeed, we are losing work, we are losing skilled workers from Sarnia and Lambton to Alberta and we're losing projects to Texas.”

The minister stated at first reading of the bill that: “Many have said that they are considering major job-creating capital investments. But actually making those investments — getting shovels in the ground and people on the job — depends on the competitiveness of our construction industry.” Who can disagree with that?

The minister elaborated on this particular point at second reading of the bill by stating that: “Plant construction costs in Ontario are still largely uncompetitive for major capital projects. For example, the folks in Sarnia tell me” — this is the minister talking — “that Ontario's construction costs are approximately 22% higher than those in Alberta. The impact of such an uncompetitive construction sector is clear: jobs go elsewhere, infrastructure ages, skills migrate, opportunities are lost.”

I'd like to quote from the former Minister of Economic Development, Trade and Tourism, Mr Bill Saunderson, when he was referring to — and I have a summary of the study here — the KPMG study, *The Competitive Alternative: A Comparison of Business Costs in Canada, Europe and the United States*. “We're leading the industrial world in competitiveness,” said the former minister.

When the impacts of land purchase, construction, labour, transportation, electricity, communications, debt service and taxation are combined, Canada is the clear winner, according to Stuart MacKay, KPMG's partner in charge of the study.

I want to develop this point, because sometimes these cases can be overblown. We know that the Premier very often talks in extreme terms. Sometimes some of the ministers do. We know Mr Klein in Alberta talks about things in extreme terms.

Let's look at the facts. We have an independent study here. I have a summary for anyone who may be interested in this. Some additional findings of the study were:

Although the United States has the lowest land purchase costs, Canada has the lowest construction costs.

Low construction costs helped Canada achieve the lowest overall business costs, which was followed by Sweden, the United Kingdom and the United States.

Electricity costs were lowest in Sweden, followed by Canada.

Ontario's electricity costs are totally in line with the Canadian average and more than 25% less than the average in the United States of America.

Telecommunications costs are less in North America in general and Canada in particular.

Financing costs are less in Canada as well, in part because of low interest rates.

Canada and Sweden offer the lowest overall corporate tax burden.

Exchange rates also play a role in Canada's success.

The study also indicated that the Canadian cost advantage over the US holds as long as the value of the Canadian dollar is less than 83 cents. At current Canadian dollar values of 66 or 67 cents, this gives us a considerable competitive advantage; far more than was given in the study at the particular time, because that edge is now an additional 20% gap in terms of foreign exchange.

Finally, looking at industrial cities, 14 of the 17 cities examined finished ahead of those in the United States or Europe. These were in Canada. The lowest-cost Canadian cities tend to be in the Atlantic region, but Hamilton, Sarnia, London, Toronto, Sudbury and Ottawa all compared extremely well against the rest of the world.

Minister, I too have met with the Sarnia petrochemical representatives who told me also that Ontario construction costs are 22% higher than in Alberta, that the US gulf coast is a strong contender for their growth plans and that our uncompetitive electricity costs are another key weakness for Ontario. This KPMG study appears to refute that, as a matter of fact for both of these arguments.

#### 1610

Further, in addition to costs, other factors need to be considered in selecting a business location, including, as you well know and in particular as my colleagues who live in the Lambton-Sarnia area know, as Nova Chemicals mentioned in their representations to me and I'm sure to you, location and proximity to shipping to markets — Toronto, Detroit, Chicago, the Midwest — are a major consideration and one of the reasons that area of Ontario is so attractive to them.

How countries compare on the United Nations Human Development Index, which ranks countries annually on a wide variety of social, economic, developmental and environmental factors, is also a consideration for companies thinking of investing in Canada. Canada currently ranks first in the world, the United States placing second. When people look to invest in areas, it's not just pure economics; people also have to live there. They consider things such as the crime rate in certain area, the environment, the cost of housing, the cost of health, the kinds of health programs that are offered — our public health program under the Canada Health Act is an extremely attractive venture for many companies; they know it will cost them less to have that kind of coverage here in Canada — the educational standards, where we rank very high in the world. There is access to markets. This has been pointed out in a number of articles that point to the strength of that particular sector: Canada's construction costs are one of the lowest and we have one of the most competitive here in Ontario. I will leave that for further debate.

At this point, I would like to turn to the section that deals with non-construction employers, which is causing major difficulties in some quarters. While exempting non-construction employers from the construction industry provisions of the Labour Relations Act, they appear at first glance, and I say "appear," to represent a rational approach. At first glance when I looked at this, I thought maybe this was a good way to go. However, as I dug deeper and as I listened to people who phoned or sent

faxes and from the research we had done, my concern was that these workers most likely will lose rights and protections and benefits they have worked long and hard to obtain, since employers will now be free to use unionized or non-unionized contractors.

The bill doesn't deal with the issue of an employer firing their construction workers, excluding them from the construction provisions and then rehiring non-union construction workers, but at a closer glance, when you take a close look at it, if Bill 31 comes into effect as it is now, and I hope it will be modified and amended as a result of hearings, when unions apply for certification, they will now have to determine if the employer is a non-construction employer. If the employer is, then the union could only be certified under the general certification provisions of the act. I know this is sounding very technical, but we have to get into this degree of detail because the devil is in the details.

In addition, once certified, the statute will no longer automatically bind the non-construction employer to the provincial agreement or to an agreement with an accredited employers' organization in the non-industrial, institutional and commercial sectors, because those provisions will not apply to the non-construction employer. For those who are watching, let's see if we can't say it another way. If you want to be fair, why would you provide companies with the opportunity to deal unfairly with their workers? Why would you not put a provision in the bill that even if you made some changes, bargaining rights would still be maintained? You could provide support there, but no, it's taken out.

The Toronto-Central Ontario Building and Construction Trades Council has had this to say about this provision:

"Hundreds of companies will be able to get rid of their collective agreements and go non-union for all their construction work. Why? Because wealthy corporations like the TD Bank, Sears and others won't want to pay union rates and their friend Mike Harris is going to fix it so that they won't have to. He's going to create a class of business called 'non-construction employers' which will be exempt from all of our standard agreements. If their primary activity is something else, like manufacturing, retail, hydroelectricity or land development, then they can apply to decertify from any construction union agreement they have."

Continuing, he says: "It doesn't matter if they have always been in our industry. Bill 31 says that if their main business is something else, they can just throw away their agreements, even if they had union members working for them for years. They can get rid of them for up to five minutes ago, and then they can continue to work in construction but with no union obligations.

"How's that for fairness? It's kind of unique, in fact. No other province in this country has this kind of a loophole."

If we look at a realistic example of how this non-construction employer might play itself out, I'd like to take an example of, let's say, a sheet metal company. The sheet



metal workers in that sheet metal company work in a heating and air conditioning business, let's say, a fabrication shop that also does installation. Are they primarily in the fabrication business or are they in the construction business? They employ sheet metal workers and they will do fabrication. Some of them will be involved in installation and some of them may be involved in agreements for ongoing monitoring, inspection or what have you. So who will decide if they are a construction employer or a non-construction employer? Do they have to be one or the other? Is it black or is it white? Can they be 50-50? Can they be 60-40? Can they be 70-30? Who decides?

You begin to see how Bill 31 will totally provide some confusion in the construction industry in Ontario.

In light of the concerns raised, our party cannot support this new concept of non-construction employees. It's too wide-open. We can't support it as it now stands. There are too many unanswered questions and there's too much licence for not taking into consideration the fragility and the uniqueness of the construction industry itself.

Our bottom line is fairness. This bill has to be fair to both employers and workers. I know a great deal of discussion has been going on with various groups, but let's give those groups a chance to talk to this bill at public hearings. They are all asking this, and it's not just the trade unions asking for this. If the government is so confident that this bill is sound as the result of what they perceive to be these extensive consultations, then what do you have to fear? You don't have to fear very much if you know the job has been done well. There may be some minor variations here and there, but essentially it would be a fairly straightforward thing. I suggest that you don't want to do this because you know you have tipped the balance and have potentially disturbed labour relations in this province.

**1620**

At the same time this labour legislation says it's addressing workplace democracy — that's a laudable goal, but then again, this government has never been shy about playing with words to disguise its true intent. I find it somewhat amusing that the government has put the word "democracy" into the title of this bill, when no other government in the history of this province has eroded democratic principles to the extent that this government has.

It was a Progressive Conservative government, headed by Bill Davis, whom you may remember, that in 1975 — that's a long time ago, 23 years — brought in provisions recognizing that there were circumstances in a workplace where democracy was compromised. It was important to provide stability throughout Ontario, so that's why Bill Davis brought in this legislation, to provide some degree of unanimity and fairness across the board.

Now here we have the Harris government moving in the other direction: the heavy-handed and undemocratic nature of many of the moves of your government, Bill 26, for example; unduly biased government advertising, which we all know. Many of us received in our mailboxes "Are We on the Right Track?" As has been pointed out in the

House by various members, you'd be hard pressed to find even a campaign brochure more biased than you would these pieces of literature that are sent courtesy of the taxpayers, at the cost of millions of dollars, to promote the political wishes and views of this government. I know many of the backbenchers are somewhat embarrassed by it, but I guess the boys in the back room and the corporate decisions prevail and that's the way it works, which is unfortunate.

When you look at Bill 160, when you look at the rule changes to the House, when you look at the rule changes to election finances, how many members on an individual basis, deep down in their heart, will say, "I'm proud of what my government has done"? I don't feel proud. I feel discouraged. I feel disillusioned. I stand here with disbelief at the boldness of this government in moving on some of those things, in its own favour, in such a partisan manner. I've spoken to many backbenchers on the government side, and some of them are truly embarrassed as well.

With respect to the union certification process, we support efforts to make it a more democratic process. We believe that union certification should only occur where a majority of employees vote in favour of the union in a secret ballot vote. However, it's with this proviso: that the climate is not poisoned with threats and intimidation.

We understand that this section of the bill is a prime example of a very significant issue that did not receive consultation with affected parties prior to introduction of the legislation. We also note from Mr Tascona's address, when he shared the minister's time in the opening speech on second reading of the bill last week, that between 1992 and 1997 there were only 22 automatic certifications. During the same period, there were 4,547 applications for certification of bargaining agents. Fully 4,547, and out of that, 22 were deemed to be automatic certifications. This represents less than half of one per cent. How many people can boast of a record of something less than half of one per cent? In almost everything you do, if you're off by 2%, 3% or 5% — unless of course you're talking about brain surgery. But if you're talking about most businesses that do general work or what have you, if you're off a little bit each year, there's a degree of variance that's allowable and that is unpredictable and that is acceptable. Then what is the reason this government wants to move in this direction? Our position has been that we need to have this deterrent, or how many more cases of intimidation will the board have to deal with?

These proposed changes to the union certification process will make it harder to certify new locals and easier for employers to intimidate against new unions. For example, if an employer questions whether the union in fact has 40% support, the employer can then ask the board to verify. Because the bill proposes no time limits for which the employer must make the determinations, the concern is that this could lead to lengthy and expensive hearings that will significantly delay certification proceedings. Bill 31 also allows the labour relations board to charge unions and employers fees for some of its services.

Who can most afford to pay and who has the most to gain by waiting? I ask you that question.

My colleague Mr Bud Wildman requested from our party the other day in his address the Wal-Mart section of the bill in further detail, and I want him to know that our party supports the labour relations board rulings in this case. That was supported by the Supreme Court and it was upheld by the Supreme Court because it found evidence of tampering and interference on the part of the employer. All the circumstances in section 11 of the act were met, and I had originally thought, by the way, of the principle, wouldn't it be great if at all times the workers have a vote and they can unquestionably provide those results? It doesn't happen all the time. It doesn't happen very often, less than half of 1%, and for that reason I changed my view as I got deeper into the subject and became more knowledgeable about the examples and the regulations themselves.

So we acknowledge that employers' interference in unions organizing happens, and we urge the minister to remove this section from the bill as it is unnecessary, undemocratic and was not discussed with stakeholders prior to its introduction.

I'd like to quote from the labour relations board in the Trilite Industries Ltd case where it says:

"Certification without a vote under section 8 was designated as a deterrent" — this is part of the argument that was used, and it was very convincing — "to illegal employer interference in union organizing campaigns and a device to provide a meaningful remedy in those cases where the employer's interference undermines his employees' statutory rights, and in addition precludes the board from undertaking its usual determination of employee wishes through a representation vote or an assessment of the union's membership evidence.

"In other words, section 8 is a kind of second-best solution to be applied where the employer's misconduct not only frustrates the union-organizing drive but also impairs the board's ability to ascertain whether the majority of the employees do or do not wish to be represented by a union."

Bill 31 amends that particular provision for the construction industry and alters aspects of the certification process for all workers. We are concerned about the number of powers assigned to the Ontario Labour Relations Board when the board's funding and staffing have been severely cut. As I brought up in my statement upon the introduction of the bill, will they have the resources to assume these new responsibilities? I see no indication of such other than the cuts and the loss of staff they have had.

The chair of the labour relations board thinks not, and I'd like to quote him in the annual report where he says:

"The report covers a period of adaptation, a period in which the board has had to digest an unprecedented volume of new legislation and cope with an equally unprecedented demand in downsizing and to do more with less. It has not been an easy time either institutionally or in our relationship with our community, who have come to

expect a level of service that is ever more difficult to attain within our available budgets. No doubt the strain shows sometimes and no doubt some community expectations have not been fulfilled.

"I would like to promise a period of stability and consolidation, but that is not the current reality." This is from the chairman of the board. He does not have the resources to do the job, and now we're asking him to take on more. That is a big concern.

**1630**

Section 5 of the July 18th proposal from the labour members of the industry committee recommended to the minister a whole series of things.

"No new amendments to the Labour Relations Act: In consideration of labour's major contribution to an industry solution to the labour-management problems which have arisen in the construction industry, we request assurance from the government and from contractors and owner-clients that:

"Any industry solutions will be implemented, if legally possible, on a consensual rather than a legislated basis.

"The 'three and out' termination proposal or any similar such proposal will be rejected and not be reconsidered or raised again at a later date." Of course there's something in similar to that.

"The proposal for the repeal (or modification) of the related employer provisions of the act...will be rejected and not be reconsidered or raised again at some later date."

That tells you where the labour board is at: caught short with resources.

I want to talk about the act in terms of the impact it's going to have on the people who work in the industry throughout Ontario. When we talk about democracy, we have to provide a spirit of participation from both sides, inside and outside the institution. I believe that with this bill this will be tremendously weakened.

"One union, one vote," I've heard the minister say. It sounds good, but when we look at the actual situation in practice, if we dig deep into the construction industry, which is unique and at times fragile, it is not a democratic move, and I submit that to you.

The minister stated in his release that the proposed legislation would create more and better jobs. How can it create better jobs when project agreements most probably will reduce the wages and benefits of construction workers; set the precedent to deunionize the industry; and give the minister the power, by regulation, not only to set up project agreements for major industrial construction projects but also to designate for residential and commercial projects? We're not just talking about the industrial sector now.

The minister claims that spinoff from construction jobs will create jobs in other high-technology sectors. My colleague Mario Sergio urged the minister to concentrate on creating jobs for the young, for the poor, for the unemployed, for those looking seriously to find that first job.

Finally, I'd like to thank my colleagues Mario Sergio, the member for Yorkview, David Caplan, the member for



Oriole, and Jean-Marc Lalonde, the member for Prescott-Russell, for speaking on the bill last Thursday evening when our lead time was deferred by unanimous consent. My colleagues made some important points, and I'd like to refer to a few of them.

David Caplan, a young member in the House, talked about what the incentives are for young people to go into a trade in this province when their wages are going to be reduced, which may happen as a result of this bill, and most likely will.

I also emphasize an important point that it is not the government's policies which have created the present environment. Mario Sergio said that we have to consider that this government hasn't created the conditions for growth, that without a stable Canadian interest rate, without a lower dollar, without strong neighbours to the south and a booming economy in the United States, we would not be blessed with some of the growth that we have, even though it's not affecting a lot of people at the lower end.

My colleague Jean-Marc Lalonde, who is working so diligently, along with my good friend Ben Grandmaître, on the Ontario-Quebec labour mobility agreement and who organized public hearings on this issue on June 1, spoke about the very real problems we face in the Ottawa-Hull community with Quebec construction workers coming into Ontario to work without Ontario construction workers being able to get reciprocal privileges in Quebec. There's no mention of any of that in this particular bill.

This legislation is flawed. We've told you that, and all the stakeholder groups in the construction and building trades are telling you that. The bill needs amendments. We support the intent of the project agreements, and this part of the bill, in my opinion, should be split. Then you could reinforce it after consultation and hearings. We would be happy to come back and look at it, provided that you had a minimum of a couple of days, if you split the bill into the project agreements section.

Meet as quickly as you can. If you want to achieve this before June 25, have a couple of afternoons of hearings so that you receive some input from the stakeholders in the industry, all of them, and then take the other major issues and have that, if you like, part of summer consultations. We'd be happy to participate in those throughout Ontario. We can divide the bill into two sections. I think you would achieve the one you want to achieve most at this particular time, because it's probably more time-sensitive, and that is the one on major agreements.

I offer you this suggestion: Split the bill. I believe you would have almost unanimous agreement, if not unanimous agreement. Spend a matter of days trying to pull this thing together. I don't think the outstanding issues are that great. I believe you could arrive at an understanding. You'd have some amendments, you could bring it back, and I believe you would have all-party support for that dimension.

The other issues you're talking about, which will have grave implications for the balance in the construction industry throughout Ontario, will be very, very difficult,

and I caution the government to proceed very gently and very cautiously on this front. Let's take our time on that now rather than after the fact, when legalities, court cases, blowups, walkouts and lockups will happen as a result of some of this legislation, and this will not be a good time for labour relations throughout Ontario.

My time is rapidly coming to an end. I say in closing that it would truly be in the government's interests and everybody's interests if you were to divide this bill into two parts and deal with the first part expeditiously. I believe it's possible. I believe it can be done. I believe all of the partners and stakeholders are prepared to do such, and therefore I think we may have a win-win situation; at least I hope so. If not, the alternative is not bright.

**The Deputy Speaker (Ms Marilyn Churley):** Questions and comments?

**Ms Martel:** I would like to commend the member for Ottawa Centre for the comments he made here today and to highlight in particular the comments he made with respect to the need for public hearings on this bill. He reinforced that notion, because he and I were both sitting in the House earlier today when a member from the Conservative Party spoke on this issue.

If you had listened to the member for Sarnia, who went on at great length to outline that there had been at least a year of full and open consultation with those involved in the construction trades under the former minister, Witmer, and then another six months of consultation under the new minister, you would have been left with the impression that somehow there had been some consensus and that all the issues had been aired and we were left with a bill that, although some people weren't happy about it, they were prepared to accept to pass through this Legislature.

The member for Ottawa Centre in his remarks and other members from the opposition have made clear in earlier debate on this legislation that in fact there were a number of provisions that had been negotiated and agreed upon; there were also a number of very critical and crucial issues which were dropped on the people in the construction trades when this bill was dropped on this Legislature. There are a number of very important issues, particularly the new provisions on non-construction employers, which those who were at the negotiating table from the construction trades never saw, never heard about, were never warned about, were never advised about but now appear in this bill.

They are very angry about those provisions. They do not agree with those provisions. There was no agreement about them. That is why we need public hearings during the summer, so that those people can have their say, because they certainly didn't have their say when they were sitting talking to the government. It's also clear that the minister has not made any commitment to public hearings, and he should do so today so that all of those concerned can finally have a say.

1640

**Mr Bart Maves (Niagara Falls):** I thank the member opposite for his comments. I enjoyed sitting with him in Ottawa recently while we had a conference with some

Quebec legislators about the Ontario-Quebec labour mobility agreement. We've got some problems in that field and I think we've unanimously agreed on action to address that, and I look forward to continuing work with him on that.

I have to disagree with his position with regard to this bill. Fundamentally, the non-construction employer aspect of the bill — if I'm a small businessman in the Ottawa area, if I have doughnut shop and I bring in a carpenter to fix my counter, if he happens to have a union card in his pocket, I'm going to be bound forevermore to use only people who are members of the province-wide construction agreement. That's not really fair to that doughnut shop owner because he doesn't have anything to do with the negotiation of that agreement. He has hired someone and now all of a sudden every time he wants to use anybody he's totally restricted in terms of who he can use — electrical, carpenter, plumbing and so on and so forth.

All we're saying is that that someone who doesn't have construction as their principal business shouldn't, just by default, be bound by the province-wide agreement that they would otherwise have absolutely nothing to do with. They should have the option to deal with either union or non-union if they want. We think that's fair. I think even in the labour movement, they're not interested in organizing people by default or sneakily through a back door. They want to do an open certification process and allow people who want to join unions to be union members. I think that's the best scenario for everyone and that's what this bill allows.

**Mr James J. Bradley (St Catharines):** I was glad that the member made reference to the fact that legislation of this kind is forthcoming when you start changing the election finances rules of this province. You know that. You can see that that's exactly what happens. Do you know how that happens? That happens because when you are very powerful people or if it's an extremely wealthy company and they come to a Conservative fund-raiser, they can now give twice as much money, and when they give twice as much money, they have twice as much influence on this government.

That's why when the member said he was concerned about all aspects of this bill, he would be concerned about the changes to the Election Finances Act that the Mike Harris government is forcing through the Legislature this week that make the sky the limit. The sky is the limit on how much money people in favour of this legislation are going to —

**Mr Gilchrist:** On a point of order, Madam Speaker: It is not permissible to simply couch it under the heading of "the member might have thought in the bill." I would ask you to direct his comments to the —

**The Deputy Speaker:** Members, I'm very lenient in the two minutes with members of all parties. Continue.

**Mr Bradley:** I can understand why the Conservative member, the former president of the Conservative Party who used to be a whiz kid — I can understand why Mr Gilchrist is concerned when I raise the issue of election finances, because now the sky is the limit. Now the

Conservative Party will be able to spend as much as it wants to buy an election campaign, and all the corporate donors will be able to fill the coffers of the Conservative Party. I understand why he is concerned about what I am saying.

**Mr Tony Silipo (Dovercourt):** I'm happy to have the chance to comment on the presentation made by the member for Ottawa Centre, who went through the bill in its various parts. As he well understands, one of the things this particular government of Mike Harris is very good at doing is putting into one piece of legislation two or three very important concepts and trying to confuse people one over the other.

As the member for Ottawa Centre said, there may be some form of agreement possible on the project agreements piece. I'm not sure there is, but at least that's an area where I think there would be some willingness for people to look at some of those provisions. But the other two basic pieces in this bill, the provision that allows non-construction employers to get out of their agreements with construction unions — it's not, I say to my colleague opposite, about the small shopkeeper who has to get a repair job done and whether he or she should or should not get a unionized employer.

This is about stripping the rights of hundreds of thousands of workers who work for school boards, who work for companies like the TD Bank and others who have said — particularly in the case of the banks and some of the others who have been lobbying for these kinds of changes, those are people whose employees ought to be covered by exactly this kind of legislation because what we're talking about here is work that is done under the construction trades area. Under that area, there is no justification for those employers to be able to get out, to simply tear up the agreements they have.

I guess what I find most offensive are the other sections in the bill that take out the so-called section 11 protections; that is, the right the Ontario Labour Relations Board has now to certify, on an application by a union, a union where it believes that the actions of the employer have so poisoned the situation the only way in which you can determine it is to in fact grant certification. That's a right that's exercised carefully and should continue to be there.

**The Deputy Speaker:** The member for Ottawa Centre.

**Mr Patten:** I appreciate the comments of my colleague from Sudbury East when she suggested that indeed the job had not been completed, that there was some consultation that went on. Everybody acknowledges that. Indeed, I think the parties were very close. But perhaps the impatience of the government to just move ahead and not fulfil that responsibility — I think they (1) can and, (2) if they don't, will cause some difficulty.

I enjoy working with my colleague from Niagara Falls. He's a person who tries to deal with the issues. I suggest to him that the parameters and the definitions and the loopholes that have now been introduced for possible abuse are unfortunate. That worries a lot of people in the workplace.



I just marvel at the ability of my friend from St Catharines to provide insights into the deepest parts of legislation related to the election finances bill as well and how it relates to democracy, because it's all part of one big ball of wax.

My friend from Dovercourt, as you were speaking I thought that your reference related too often — there was one thing put forward, but there are a variety of other issues that were introduced in a bill sort of in a secondary manner, as if somehow they were almost housekeeping. I would suggest to you that if you split this bill and took what I think could have support with all parties concerned and looked at those separately, you would probably lay bare a variety of issues that had something to do with favouring and tilting the balance in favour of big business versus the labour movement. I think that would be unfortunate, especially in the construction field, which is totally unique.

Let's have hearings on this. Let's make sure we give the full opportunity to all people who are affected.

**The Deputy Speaker:** Further debate?

**Mr Marchese:** It's never a pleasure, really, to talk to an anti-union bill but it is good to have the time to be able to speak to a bill. They haven't been able to muzzle us completely yet, although they are trying, and they do try often, to muzzle the opposition as best they can. We have 20 minutes — the Lord is merciful still — and we take this opportunity.

This is an anti-union bill. That's what it's about. There's no point getting to the detail of every aspect of this bill. This bill is an anti-union bill. How do we know this, Speaker? You would know it as well as I do, by reading the title. The title says, "An Act to promote economic development and create jobs in the construction industry, to further workplace democracy" — imagine that — "and to make other amendments to labour and employment statutes."

Doesn't the title itself give away that it has nothing to do with economic development and job creation in the construction industry, that it has nothing to do with workplace democracy? It is exactly the reverse that we should be looking at, as indeed with every other bill. They put a fig leaf on this title. They did.

Unlike the other bill, which is "An Act to Prevent Unionization" for those poor folks involved in the workfare program — that was wrong, as I pointed out in my remarks in the previous speech, but this one they put a fig leaf on. They thought it might be nice to just cover it up so as not to make it as imprudent as they can be. Look to its title to discover its real content and you will notice, those of you who are regular watchers — and I know today is a difficult one because the World Cup is on. Germany is playing the US and they're winning 2-0. Those brave souls who are putting aside the World Cup to watch this live program, we thank you, but you will know from the regular watchings of this program that when these people here, these fine Reformers on the other side, introduce a bill of this sort, by its title you already know: You've got to take cover, you'd better hide, they're after you.

1650

They are anti-union Tories, these people. They don't mask it. They're not ashamed of saying, "We don't like unions." In fact, they're quite daring and bold about that, as if 34% of the population that was unionized was simply too much. Only 34% of the entire workforce is unionized, if not less. It's not a lot of people who are unionized. You would think by their hatred of unions that the whole world in Canada was unionized, but it's only 34%, a small number of people.

There are thousands of unions in Canada. I often decry that problem because when you go to Italy or France — Italy has one or two major, big unions. I frankly like that because there's a great deal of solidarity there. If they've got a problem as workers, in solidarity they stand behind each other to support their democratic rights as workers — men and women. But here in this country, sadly, we have thousands of little unions easily exploited by big employers. Of course when you've got money, you've got your say, right?

**Mr John R. Baird (Nepean):** Like in the social contract.

**Mr Gilchrist:** We're giving you as many days of hearings as you gave —

**The Deputy Speaker:** Order, please. Members for Scarborough East and Nepean.

**Mr Marchese:** I wish in this country we had what we have in Europe, where unions indeed have power. Here, apart from a few major, big unions, little unions don't have that much power. But to listen to these fine people on the other side, these cold-blooded people, you would think that these poor, little unions are destroying the country. These cold-blooded folks to the left of me — right, Speaker? — connected to those amphibians on the other side, you would think, talking to them, that all these unionized workplaces are just bringing this poor little province down and tearing it asunder: "God, if we didn't have these unions, we would have development and job creation. We would indeed have workplace democracy. It's because of the unions that we don't have either job creation or workplace democracy." That's the kind of story these people tell. Poor children, having to listen to these kinds of stories.

You would think that next they would do what the Liberals did federally. They're setting up a little commission. I don't know whether it cost \$25 million. It's a truth commission. So as those poor Péquistes in Quebec tell lies, you have a \$25-million commission telling the truth on the other side. I love it. You guys should learn from M. Chrétien. It's a brilliant strategy. What you need is a truth commission, because the poor media is after you guys in a big way. You need to set up a truth commission so that you can counter those poor little opposition parties that belie much of what you're doing. Spend a bit of money to do that.

This is an anti-union bill. This bill is designed to line the pockets of their rich friends.

Speaker, you will recall that when we were in government, these people over here, including my Liberal friends

to my right, would attack us for everything under the sun; for catering to the special-interest groups. Now this particular group says that they do not serve any special-interest groups; they serve all Ontarians.

I've got to tell you, I was reading this little article here, just to give a sense of the special-interest groups that this Tory party is connected to. Judith Andrew of the Canadian Federation of Independent Business said her members welcome the change. What a surprise. She says, "They really feel their employees should have a fair opportunity to vote in secret and have that count, as opposed to any kind of penalty certification." I will get to that in a brief moment. Then you have —

**Mr Wayne Wettlaufer (Kitchener):** Are you opposed to secret ballots?

**Mr Marchese:** I'll get to that in a minute.

Then you have M. Ed Gould, who is a spokesman for Wal-Mart. He says, "We're very supportive of this initiative, because we believe that it protects workplace democracy and it will encourage investment and job creation." Does this sound to you like they're using the same language, Speaker? It sounds like it to me.

This is the most powerful interest group in the country we're talking about and they are allied with these people. These are the pockets that are being lined and this is the government that is the instrument for people like Wal-Mart, for the person I just quoted, Ed Gould. Of course, they would never tell you that. They can't do that. They've got to mask it under a different title to make it appear they're doing something else. But Ed Gould is quite clear. He's saying, "Yes, we like it; this is good for me," especially when a decision was taken against them a while ago, and I'll refer to that in a moment. But people like that, the banks, so many of the other sectors that have a lot to gain, are quite happy with this. These are the people who are going to make a big contribution to the Tories when the time comes.

You will recall Mike Harris saying at one meeting he had with his buddies, the rich buddies, the golf type of buddies, "You've stuck with us through the hard times and we're going to be there for you." That's what he means: "We are going to be there for you." That's the most powerful interest group in the country. We're not talking about an interest group of poor little welfare persons, people who are in shelters, an interest group of poor little homeless groups that some of us thought we should be helping, because these are the real victims of the marketplace.

But here you have people who are doing well in this economy and these are the ones these Tories want to protect, not the other interest groups, the impoverished groups that have no voice. They want to give more power, more money back to those who don't need a voice because they are beyond government. They transcend governments. We are but a tool. I say "we"; they, this government, is but a tool of those who manipulate the system through the money they control. The people watching know that.

This decision to remove section 11 of the Ontario Labour Relations Act: That section gave the labour board the authority it used to certify the Steelworkers at Wal-

Mart in Windsor on the grounds that employer misconduct made it impossible to hold a fair vote to determine the wishes of the employees. I would point out, because I don't think it's been pointed out today, that this section also allowed for overturning a positive vote where there was union misconduct, and that also is repealed. So there is a check and balance on both sides. Should the employer be found to be doing something underhanded or engaging in some skulduggery — the union too, if it engaged in practices that were found to be unfair, was subject to the same treatment by the OLRA. These Tories don't mention that part of that particular section, but it's there.

**Mr Maves:** It's right there.

**Mr Marchese:** It's right there, yes, Mr Maves. The point is that there was a balance there and it gave this board, largely dominated by Conservatives — yes, labour has one person there but it's hard to imagine that the OLRA is there to protect the interests of labour, by and large. I think you would know that, member for Kitchener. This was a balanced section.

You would know, Speaker, that the employer and employees do not have the same equal relationship. They are not equal. They will never be equal, not in this country especially. The ones who are the strongest in that relationship are the ones who control the work, and if the employer says, "You're not working tomorrow, by the way, if you vote on that certification issue," you may not have a job. That's what we're talking about under that section. That section is there to protect workers from skulduggery when it is done by the employer, and it is now removed. That was a remedy provided in the bill to protect workers when employers are underhanded in their ways.

#### 1700

It doesn't take a great deal of intelligence or imagination to know that employers engage in this sort of activity all the time, to protect their financial interests, of course. We know that workers who work in a lot of these places, coming from so many different parts of the world, are very easily intimidated when an employer says, "If you sign that, we've got a problem." They may or may not be explicit in the way they tell their worker, but the worker understands clearly what the employer is saying. In many situations you have the vote that you had in the example we gave, the Steelworkers organizing at Wal-Mart not too long ago, where indeed many of the workers decided not to vote for certification. Why? Because they had been intimidated by the employer. The judgement made by the OLRA proved that the methods of the employer were not entirely clean.

Section 11 provides that "the board may certify the trade union as the bargaining agent for the employees in a bargaining unit" if satisfied that the following circumstances are present:

"1. An employer...or person acting on behalf of an employer...has contravened the act.

"2. The result of the contravention is that a representation vote does not or would not likely reflect the true wishes of the employees...about being represented by the trade union.



"3. No other remedy, including the taking of another representation vote, is sufficient to counter the effects of the contravention."

Speaking to (3), these guys on the other side say that having removed section 11 is not so bad. They say they could still hold another vote. But what was built into section 11, which I just read, said, "No other remedy, including the taking of another representation vote, is sufficient to counter the effects of the contravention," meaning that even if you have another vote, if the intimidation exists by the employer, it doesn't automatically disappear because you have another vote. It doesn't remedy the problem; it doesn't go away. If people are frightened because you made them so as an employer, they will continue to be frightened and they will again vote not to certify.

This measure that these fine Tories have left us with is no solution. They know that. This isn't something that might be misunderstood by Tories. They know exactly what they're doing. It reminds me of M. Harris, when asked whether he regrets having done anything. The guy says no. "Are there some issues you might have undone or done differently because you feel bad about them?" He says: "Oh, no, we're on track. In fact, give us another four years, because we want to do some more wonderful things." This guy knows exactly what he's doing, and this is an anti-union bill, as are so many other bills that he has introduced, assaulting workers.

Some 34% of the entire population is unionized, hardly a whole lot of people, getting the protection they need from a union. These fine Tories would love to go back to the good old days when employers could do what they wanted without restrictions from collective agreements that bind them to this and to that, collective agreements that they have to fight over to increase wages perhaps, or to have a better pension perhaps, or to have safety boots or safety glasses or to have a dental plan or to have a certain number of hours because we think it might be decent and human not to have hours that are inhuman as in the good old days. That's what these people want us to get back to. They would love that.

We've discovered that these boys want hearings on the Condominium Act, which all three parties agree on, but they don't want hearings on this bill where clearly there is a disagreement between the opposition and the government. Why in heaven's name would they have hearings on the Condominium Act where we all agree, and no hearings on something as fundamental as this where we disagree completely?

The answer is quite obvious for the people watching and they will not be beguiled, I don't think, once they get the information. So it's important for people watching the program that you do several things. You could ask for more information for the rest of us. You've heard several speeches today and the one from our member for Hamilton Centre last week which covered similar issues.

If you want more information about any of these bills, please call us. If you want to get involved, I suggest to you that once you have this information you sit down face to face with these fine Tories. Don't write them a letter. It

won't go anywhere. If you're writing a letter to a minister, if you don't write "Private and Confidential," it will never get to them. They'll be out of office by the time they open the envelope. Don't send a minister a letter that is not written "Private and Confidential." If you want the minister to read it, make sure you have "Private and Confidential" so his staff is obligated to open that envelope and make it at least known to the minister that they might have a problem.

But I recommend that you meet face to face with them and look them in the eye and then ask them to tell you specifically how this helps anybody in particular. But you need that kind of debate and a lot of these members will tell you they're too busy, they're working really hard, they don't have time to meet with you. But it is their duty, as it is our duty in opposition, to make time to meet with people so we can go over these issues.

There are other issues that were mentioned by the other member. Hundreds of companies will be able to get rid of their collective agreement and go non-union for all their construction work. Why? Because, as was mentioned by the previous speaker, wealthy corporations like the TD Bank, Sears and others don't want to pay the union rates and their friend Mike Harris is going to fix it so they won't have to.

Bill 31 creates a class of business called a non-construction employer, which will be exempt from all of our standard agreements. This is another section touched upon by the members for Ottawa and Hamilton Centre. There are many issues, but you don't need all the detail to know that these people are after unions, the few that are left, those few unions that are there protecting the interests of people who, without a union, are left on their own to fight an employer who often, as is the case in this issue, will engage in skulduggery to keep the unions out.

We urge those of you who are watching today, in place of watching that fine World Cup, to connect with us if you want more information, but more importantly, to meet with them to tell them how you really feel.

**The Deputy Speaker:** Questions and comments?

**Mr Wettlaufer:** The member for Fort York devoted a lot of time to workplace democracy and his interpretation of what that workplace democracy means. In the late 1960s and early 1970s when I was in university taking some labour law, one of my instructors was a lawyer for the firefighters' association. I remember him telling me at the time that any action taken by an employer that could intimidate the members applying for certification could be construed as action which would cause the Ontario Labour Relations Board to automatically certify the union.

The member for Fort York referred to the Wal-Mart case and I think that points out a very good example. The applicants for certification in the Wal-Mart case — as you will probably recall, the Ontario Labour Relations Board granted the automatic certification because it felt that they were intimidated because Wal-Mart would not give them a guarantee that the business would continue to do business after the vote and also that it would not tell them it would go out of business if the union was certified.

**Mr Marchese:** What does that tell you?

**Mr Wettlaufer:** That is not intimidation.

*Interjections.*

**The Deputy Speaker:** Order.

**Mr Wettlaufer:** We're talking about what is democratic here. We're talking about the result of a secret ballot — that's democracy — in which at least 50% vote in favour of certification. That has nothing to do with being anti-union. That is simply democracy.

1710

**Mr Patten:** It's a pleasure to respond to the enthusiastic member for Fort York, who, in a nutshell, really spoke about values, friends, power and influence. He dealt with the section related to certification, which is a major worry throughout the labour movement. I must say, in relation to that, that I can't believe the member for Kitchener can suggest that job security and the company declaring bankruptcy or going out of business or moving away would not somehow be related to the possibility of intimidating employees.

**Mr Wettlaufer:** Wouldn't give guarantees.

**Mr Patten:** My gosh. "Wouldn't give guarantees," he said. Well, there's a way in which that can be expressed. "If we have a union here, maybe we won't sell so much, maybe we won't be able to keep as many staff, and who knows? We have many stores all over the place. Some are more profitable than others." Listen, the history of Wal-Mart is not a proud one. If any of you saw the report on 60 Minutes and the particular history of this company throughout America — actually, the United States of America, because I think we are in America too, by the way — the United States of America and the devastation they have done to Main Street in so many small towns and collected rural areas — they have literally destroyed their infrastructure in retail. Then two years later it's not so big because the market wasn't as active as they thought, and they move out. What do they leave behind them? Economic destruction.

I don't have too much faith in a company of that nature. I don't shop there either. But I'll tell that you have to watch out for companies of that nature. The 22 situations out of 4,547 is less than half of 1%. I say keep that issue.

**Mr Len Wood (Cochrane North):** I enjoyed immensely the comments of the member for Fort York. It's quite obvious that this is another anti-union piece of legislation. It's an attack on the ordinary working men and women in this province. Even the title is very misleading, when they're saying it's going to promote economic development and create jobs.

**Mr Maves:** On a point of order, Madam Speaker: The member accused the government of misleading the public.

**The Deputy Speaker:** I'm sorry, I didn't hear that. If the member did, please withdraw it.

**Mr Len Wood:** Withdrawn. This is a bill that is directly aimed at attacking men and women right across this province. We see editorials and articles being written. It's just another little gift for Mike's friends. Now that they're changing the Election Finances Act, they can go out and say, "Look at what we've done for all the large, wealthy corporations in this province." You're going to be

able to attack all the working men and women right across this province with the legalizing of scabs and blisters in the workplace under Bill 7. We have three or four pieces of legislation that have been brought forward to make sure that unions cannot organize the people who are forced into workfare. It's one attack after another against the ordinary working men and women across this province.

As the member for Fort York explained during his 20 minutes, there is nothing about good democracy in this particular bill or any other bill. They put a fancy title on it that looks good, but even the large daily newspapers right across Canada are starting to see through it, that all it is is a matter of Mike Harris trying to attack everybody in this province that he doesn't see eye to eye with. It's quite obvious that he doesn't see eye to eye with some of the union leadership when he brings in legislation that attacks them on a regular basis.

**Mr Maves:** I commend the members for their comments. It's always interesting to listen to the member for Fort York speak.

With regard to his comments about automatic certification, the removal of the OLRB's remedy of automatically certifying a workplace — that remedy is a removal of my right to decide my own fate. If an employer does something untoward during a union drive, the OLRB has all kinds of different remedies it can order to correct that situation so that the people in that workplace will understand their rights, and then they can order another vote and the people can decide their own fate in terms of whether they want to be a member of an organized workplace.

It does cut both ways. The member was right to say that. If a union right now has a successful vote, let's say an 85% vote in favour of a union, but the employer says, "No, I think the union intimidated them on how to vote," the OLRB right now could say, "You 85% didn't know what you were doing, and even though you want a union there, I'm saying no, you can't have a union."

We're saying in this bill that the OLRB will give those people the right to vote on whether they want a union. It won't be up to the OLRB to decide yes or no, "You're going to have a union." The OLRB can only say there'll be certain remedies in this circumstance, after which point they can say, "Now you people have a right to choose whether you want to be in a union."

In terms of the non-construction, I'll use another example: Some little lady with a sewing business who brings in a plumber to do some work, if that plumber has a union card, from now on, any time she wants any work done, she has to go to a hiring hall to hire an electrician, a carpenter and so on. She can't hire her cousin to come and help her out.

**The Deputy Speaker:** The member for Fort York has two minutes to respond.

**Mr Marchese:** I thank my friends and foes for their remarks. The member for Niagara Falls —

**Ms Martel:** Is out to lunch.

**Mr Marchese:** Well, they're all out to lunch, by and large, almost all the time. But that's the point of being



here. We have a disagreement and that's what we're talking about.

The member for Niagara Falls says they should have a right to determine their own fate. Would that that were the case. Wouldn't workers want that kind of fair play in the workplace?

He makes it appear that that is the dream world these workers are living in, that this law we had in place before was completely unfair and we need to put in place workplace democracy now so every individual has the right to choose their own fate. He makes it appear as if it's a reasonable thing. Would that that were the case.

The member for Niagara Falls is frustrated, quite clearly. I know, I see it by the puffing of his mouth. I see it. But that's the point. The point is, that's not the way it works.

The decision made against Wal-Mart on the grounds that the employer, when asked if voting for the union would mean the store would close, refused to answer — isn't it obvious to the member for Kitchener that that is intimidation? What more does he need to convince him? If the worker says, "Look, are you going to close?" and the guy doesn't answer, doesn't that mean your job may not be there? To those of us who have degrees, it's quite clear. I'm not sure about the others. If you have a degree and that's not clear to you, you've got a problem.

We're talking about values. This bill is about values. These people are on the side of the employer — the Wal-Marts, the banks — and we're on the other side. These are the values we represent and those are the values they represent. They want that divide, and they're saying to the public, "Are you on this side or are you on the other?" I am on the side of working people and the unions that support them.

**The Deputy Speaker:** Further debate?

**Mr Wettlaufer:** This legislation could be aptly called "The Light Went On." Do you know that in a school, for instance, if a caretaker spots a light that is flickering or, through normal maintenance schedules, decides lights need to be changed, he can do so. However, if at night we have a darkened stairway as a result of a bulb burning out, in that same school the caretaker cannot change the lightbulb.

Ridiculous? Unbelievable? Yes, but true. That caretaker cannot change that lightbulb in that school in spite of there being a darkened stairway, in spite of there being the possibility of injury to someone falling down the stairs — a student, a teacher — because of province-wide bargaining, because that caretaker must be unionized to change that lightbulb. Isn't that ridiculous? That's where it is. However, that will change.

*Interjections.*

1720

**The Deputy Speaker:** Order. Just a moment. Take your seat, please.

Member for Kitchener.

**Mr Wettlaufer:** Obviously I've touched a nerve among the NDP, but that's okay. They keep talking. It won't bother me too much.

*Interjections.*

**Mr Len Wood:** Debate the bill.

**The Deputy Speaker:** Member for Cochrane North.

**Mr Wettlaufer:** Thank you, Madam Speaker. It was getting to the point that even I couldn't hear myself.

The current act, as you're aware, allows as well those unions seeking certification to demonstrate that they represent at least 40% of the employees in the bargaining unit. Under this bill that will change. The union is going to have to demonstrate that it represents at least a majority of the workers. That shouldn't be a problem.

I would also like to talk again about what I was referring to in my comments earlier on the member for Fort York, that a guarantee by an employer that he would close would be considered intimidation, that it would be anti-democratic. However, the failure by that employer to guarantee that he would close shouldn't be considered anti-democratic; it should be considered what it is: the knowledge of the employer that if he makes any statements at all, those statements could be considered intimidation, so he just decides not to say anything at all. In the case of the Wal-Mart incident, the Ontario Labour Relations Board ruled that the failure to say anything at all was intimidation. Nonsense, absolute nonsense.

I want to point out that I don't believe that any union would do anything to the detriment of its members. My wife is a union member and so was my father, and I think generally speaking that the union leadership speaks on behalf of its members. So why would a union oppose project negotiating? If that project is to the betterment of the union members, it will bring jobs into a community, it will bring jobs into the province, it will bring investment into the province, not just construction jobs but permanent jobs, why would any union oppose it? I don't believe the unions would oppose it.

I'll tell you something else: Under the legislation as proposed a non-union employer will be able to bid on these jobs, but the non-union employer will employ union help. That's spelled out. How can this legislation be considered anti-union? How could a piece of legislation that guarantees that the employees will be union be called anti-union?

There was an article in the Toronto Star this morning that points out a couple of items in the proposed legislation that are perhaps anti-union. But it also pointed out another one —

**Ms Martel:** Read the title.

**The Deputy Speaker:** Order, please.

**Mr Wettlaufer:** Madam Speaker, the member for Sudbury East is talking about reading the title. I'm not an NDP; I can't read only the title. I read the whole article. I want to point out one other thing.

**Ms Martel:** Read the first paragraph. Read the first sentence.

**The Deputy Speaker:** Member for Sudbury East, come to order.

**Mr Wettlaufer:** That is that there are two provisions in the workplace democracy bill that would hit unions, but there is also one, while it's unintended perhaps, that would

put the unions in the driver's seat. They cite in the article an example from British Columbia as evidence that this could happen. Have we taken action in the bill to ensure that this doesn't happen? No. Anti-union? Balderdash.

What this bill is all about is encouraging investment in the province and encouraging jobs in the province. We must be competitive not only with our neighbouring states and provinces, but also with jurisdictions such as North Carolina, Florida, California, Tennessee and Kentucky. We must be if we are going to provide jobs. Nobody can convince me, especially these mouthpieces here to my right, and figuratively to my left, that the union leaders of this province do not want to provide jobs for their members. They cannot convince me.

Construction-industry grievance arbitration will be recoverable from all parties. Is that anti-union? It exists in every other area in this province today. Should the taxpayer pick up the tab for construction-industry grievance procedures? Hardly. Non-construction employers, whether they be retail stores, schools, municipalities, hospitals, are presently bound by the Labour Relations Act.

A number of years ago, a large employer in my riding of Kitchener, Monteith-McGrath Construction, used to do a lot of construction in hospitals, schools and other institutional buildings. The Labour Relations Act said that if the contractor did non-union jobs in one area but union jobs in another area of the province, the contractor must be considered to be a union shop in all areas of the province. Well, in one area of the province, he was non-union. But in Kitchener, the region of Waterloo, he was union. What that meant to him was that he could no longer compete and he closed up. He closed up everywhere. That meant a loss of jobs —

**Mr Len Wood:** He was probably 85 years old.

**Mr Wettlaufer:** No, he was my age. It meant a loss of jobs to clients of mine, people who could no longer afford to pay for their insurance, people who could no longer afford to buy clothing and shoes for their own kids, people who lost their houses. That isn't good for the economy of this province. It certainly wasn't good for the economy of my riding. It was one of the area's largest contractors.

Why should retail stores or schools or municipalities, or any other business, be bound by the Labour Relations Act over which it has no control? Province-wide agreements, over which a small business in my area has no control — why should that small business be bound by it? I reject that as being unfair. I reject that as being almost unconstitutional.

This bill is all about jobs. It's all about remaining competitive throughout the province. Bigger is not better. It's a matter of being competitive. Every employer, every contractor, everyone who wants a job is interested in having jobs come to this province, and this bill boosts the competitiveness of Ontario's construction industry.

1730

**The Deputy Speaker:** Questions or comments?

**Mr Patten:** I always appreciate the comments of the member for Kitchener because he provides an opportunity to respond to some of his values and his life experience.

As to some of the examples he uses, I think everyone would agree that some of the silly things that happen in certain contexts of course should be done away with, but I remind him that the board under this bill has the authority to assign costs to employers and employees in a situation if there need to be certain investigations or additional costs on having a particular vote. So that's not really the issue; it's really the parameters of it, how far you go. There is no definition of what is economically significant or of what is considered to be a major project agreement. There are no parameters around that other than to say, "If they're of significance, it's up to the proponent and there will be a judgement that will happen somewhere, some time, to what degree, where and what."

It's seen as a threat to some situations where people have a situation where there is some accountability on behalf of the employer. We talk about the employers in the non-construction field primarily, but many of them have construction employees.

You said bigger is not best. I suggest to you, if that is the case, then why is it, member for Kitchener, that your government has moved towards bigger municipalities, bigger hospitals, bigger school boards, and you now say bigger is not best? If that's not the pattern of this government in terms of its legacy that we shall see from here on over the next decade or so, I'm not sure what is.

**Ms Martel:** I would like to respond to two points that were made by the member for Kitchener. The first has to do with a reference to the Toronto Star article where he said, "There might be some comments in it that might show it's anti-union." If you take a look at the article today, from the title on down most of the article points out that this bill is exactly anti-union legislation.

The title reads, "Anti-union Legislation May Backfire."

"The Mike Harris government has introduced another anti-union bill.

"It has the kind of reverse-reality name the government likes — The Economic Development and Workplace Democracy Act.

"This bill follows the more honestly named Prevention of Unionization Act, introduced last month....

"Although the new bill's title is more circumspect, its intent is the same — to tilt the field against unions.

"This is not a surprise. The government promised it would be like this."

It goes on to point out two areas of particular concern that clearly show the government's bias against unions, and makes a comment as well about a situation in BC. As to whether it would be anywhere near relevant in this province, God only knows. But certainly the whole article made it clear, which is the point the opposition was making here today, that the bill is anti-union. It's very intentional. The government knows exactly what it's doing. The mere fact that the government dropped on the table, when the bill was introduced, some amendments that the unions involved had never seen throughout the whole period of negotiation makes that clear. That is also why we have continued to call on the government for public hearings, especially so that those sections that were



dropped on the unions involved without notification, without any negotiation, that are certainly contrary to where they thought the government was heading, could at least be discussed. Otherwise we will all continue to reiterate that it is anti-union and it's going to have a detrimental effect on the workers in that industry in this province.

**Hon Jim Flaherty (Minister of Labour, Solicitor General and Minister of Correctional Services):** I listened with interest to the most recent comment with respect to the bill being anti-union. It is truly lamentable that a large daily newspaper would not bother studying the bill or understanding the issues in the bill before commenting on it.

You say it's anti-union. Here's what the union said: Alex Lolua, director of government relations for the Building and Construction Trades Council of Ontario, said the trade unions have had talks with the government on the project agreement part of the bill. Here is the quote.

This was in another daily newspaper —

**Mr Len Wood:** The Star said it's anti-union.

**The Deputy Speaker:** Order, please.

**Hon Mr Flaherty:** — a week ago Friday. Here is the quote, and this is from the building trades union: "In principle, we've agreed with helping to attract investment to Ontario through project agreements."

**Mr Silipo:** What about the rest of it?

*Interjections.*

**The Deputy Speaker:** Members for Dovercourt and Cochrane North.

**Hon Mr Flaherty:** I'd suggest to the editorial writer of the Toronto Star that they read the bill, that they listen to the building trades unions, that they try to understand the importance of project agreements. If it's anti-union to create the potential for 42,000 union jobs in this province, then I guess I'd plead guilty to being anti-union.

The chemical producers say, "By our calculations we're looking at the potential of creating 42,500 new jobs for Ontarians." If the NDP thinks that's against workers, then let it be the NDP's view that that is against workers. But if you care about workers, if you care about families in Ontario, if you care about good union jobs in Ontario, if you really care — or if you're just like the Toronto Star editorial writer, you don't understand the issue, you don't read the bill and you don't read what is said by union leaders, then I can't help you.

**Mr Michael A. Brown (Algoma-Manitoulin):** I think maybe we should play Jeopardy for a minute, and the answer is, "Who is Bill Saunderson?"

I have an article here that appeared on October 14, 1997. It's kind of an interesting article. It says, "Low construction costs help Canada achieve the lowest overall business costs among seven North American and European countries in a survey conducted by professional services firm KPMG Canada."

It has a quote down here. The economic development, trade and tourism minister at the time, Bill Saunderson, said, "We're leading the industrial world in competitiveness." That's what he said. The low-cost Canadian cities tended to be in the Atlantic region. Then it said,

"Hamilton, Sarnia, London, Toronto, Sudbury and Ottawa all compared well against the rest of the world."

We have a bill here, Bill 31, which is creatively, as usual, entitled An Act to promote economic development and create jobs in the construction industry, to further workplace democracy and to make other amendments to labour and employment statutes. I would say to the government as you look at this, I understand that much of the project management part of it is agreeable to the parties, but the problematic parts of the bill, and the minister doesn't seem to want to talk about that, are later on where we're discussing issues of how unions are certified etc. I would say, why would you mess with the best, most competitive jurisdiction in the world?

**The Deputy Speaker:** Member for Kitchener.

**Mr Wettlaufer:** There weren't a lot of comments on what I had said. There was a lot of rhetoric, as usual. I'd like to point out that since June 1995, since we were elected, there have been 370,000 net new jobs added to this province's rolls, and 90% of those new jobs have been created in the small business sector, small businesses which are not unionized, generally speaking; small businesses which are expanding; small businesses which don't have any control over the present Labour Relations Act or any province-wide bargaining or anything like that.

1740

The CFIB, the Canadian Federation of Independent Business, with 100,000 members across the country, represents the views of this sector. On June 5, Judith Andrew, representing the Canadian Federation of Independent Business, said that their members really feel "the employees should have a fair opportunity to vote in secret and have that count, as opposed to any kind of penalty certification, that is, in those cases in which unions do ask for certification in those small businesses."

Is there something wrong with a secret ballot? The members of the opposition parties seem to think so. I don't understand. We have secret ballots for electing our governments but we're not supposed to have secret ballots to elect or to pick a union in the workplace? We're not supposed to have a secret ballot? Thank heaven for this bill.

**The Deputy Speaker:** Further debate.

**Mr David Caplan (Orléans):** I'm very pleased to join the debate on Bill 31, the Economic Development and Workplace Democracy Act. My first comment is, who comes up with these titles? It's amazing. If you look at previous government initiatives, for example, Bill 160, the Education Quality Improvement Act, you saw contained in the bill the exact opposite. This one, the Economic Development and Workplace Democracy Act, follows that pattern. The title says one thing, so you know — I think it's really a form of Orwellian Newspeak or doublespeak, if you will, to put one thing in the title and another thing in the content of this bill. The provincial government and the minister do a real disservice to the people of this province. They should be much more unequivocal about what is contained in this bill.

Bill 31 makes a number of changes. The construction workers and their representatives and employers have

been working with the Ministry of Labour and contractors towards a common goal of fairness and competitiveness in the industry. A fair deal was reached, but the minister had to include provisions in this bill that went beyond that deal.

Let me expand upon that, Minister. I have a letter from Pat Dillon, the business manager of the Provincial Building and Construction Trades Council. He says:

"One such example is the section dealing with non-construction employers. During our industry discussions over the past year and a half, this was never raised as a concern by employers or government. In fact, the government had several opportunities to address these concerns in Bill 7 and again in Bill 136. The prescription contained in the bill fails to recognize the relationships that had developed in our industry.... I am appalled with you and your staff, that in the number of meetings we had discussing 'certain perceived problems in the construction industry' that you chose not to discuss this very important issue."

In fact, the letter goes on to detail a number of discrepancies between what's contained in this bill and conversations that the minister, his staff and this government have had with their partners. Again, it shows that the con is in the consulting that this government says they're doing. They don't listen. They haven't listened on health care, they haven't listened on education, and Bill 31 contains the same kind of pattern. They're not listening to their partners throughout Ontario, and it's not surprising given the history of this government.

The minister has poisoned the spirit of goodwill and compromise that existed and would have led to a win-win situation.

This bill will have major impacts on construction projects across the province. For that reason alone, I know I insist and our party insists, our critic insists and our leader, Dalton McGuinty, insists that we have public hearings after second reading of this bill so that all stakeholders will have a chance to be on the record about Bill 31 and what's contained in it. We can talk a bit about the title and we can talk a bit about what's contained in the number of pages in this bill.

The bill assigns a number of new powers to the Ontario Labour Relations Board, yet the actions of this government have severely cut the funding and staff of the board. You have to ask yourself, how is the Labour Relations Board going to be able to do the number of things it needs to do to meet the requirements of Bill 31? Well, obviously it isn't. Obviously this government is setting up the Labour Relations Board as a bit of a fall guy. They're not going to be able to complete their mandate because this government doesn't put its money where its mouth is. We've seen that in health care, we've seen that in education and we're seeing it again. It's a consistent and repeated pattern of this government.

This bill sets up a new process for negotiating specific agreements for "major industrial projects." It gives no definition and allows very wide latitude about what could be designated as a major industrial project. The minister

can certainly say the Olympics or any other project that he or she or this government deems to fall within that framework. It gives arbitrary power to the minister, and I think quite unreasonably.

A proponent industrial company or a major contractor acting on behalf of a property owner can negotiate specific "economically significant" — again no definitions. These new terms are thrown out there, with absolutely no definition and no specifics attached to them — "an economically significant project directly with local construction unions." The contract can contain terms and conditions that differ from the province-wide agreements, these so-called project agreements.

I should tell you that this was a point of agreement among all the stakeholders. I will quote to you the comments of a fellow by the name of Mr Alex Lolua. Mr Lolua said:

"Construction unions have made a decision that we don't want to be the limiting factor, or seem to be the limiting factor, in helping attract industrial investment to Ontario. If it takes a project agreement to help bring that project to fruition, we're prepared to do our part."

*Applause.*

**Mr Caplan:** I see the minister applaud. That's one section of this bill on which there is agreement. Isn't it interesting that there are many other sections contained in this bill which have to do with quite a bit more than project agreements? Really, what the minister and this government are doing is trying to find a sneaky, back-door way of slipping in changes to our labour laws, to our standards. It really is an anti-union bill. I think that's very clear.

The Toronto Star commented in an editorial today, and I think they were quite right: "In fact, union locals are not invited to the negotiations by the proposal...but will be bound by province-wide agreements, not local agreements," which is okay, "and residential or commercial constructions projects are not included in this new project agreement provision." That's something that's been left out. "Labour rules for those sectors remain unchanged unless" — and this is very interesting — "the minister uses his power to unilaterally assign a project under their new system." There certainly are rumours — the Olympics are one. We have the Technodome which is scheduled to begin construction up in Downsview in North York.

In fact, we've seen how Mike Harris and his ministers, the cabinet, have attempted to grab unilateral powers, put them into the cabinet, put them into regulation-making abilities so that there is no public scrutiny, so that there is no debate, so that they can make changes at will. I'm really very suspicious, and I think the people of Ontario have not been fooled by the agenda of this government to hide from public scrutiny, to not be accountable.

**1750**

I remember seeing the Premier and members of the government bench stand up and say, "The buck stops here and it stops with us." That is totally without foundation. By making arrangements to have unilateral powers, when



they're exercised, how they're exercised, what the criteria are going to be, without having any kind of indication what that means, this government is trying to hide. In fact it's anti-democratic. As I said, the title says one thing — it says "democracy" in the title — but contained in this bill are anti-democratic measures giving the minister unlimited and arbitrary powers. I think that all members of the House should be concerned about the kind of pattern that we're seeing.

The major reason for this bill has come from many corporations, particularly, as the member for Sarnia spoke about, in the petrochemical industry. It was interesting. I did a little bit of research and found this article dated October 14, 1997. It says, "Low construction costs helped Canada achieve the lowest overall business costs among seven North American and European countries in a survey conducted by professional services firm KPMG Canada," a very well respected consulting and accounting firm, and very clear what their conclusions were. It's funny that we have the minister stand up in his place and talk about all these jobs going to Texas, all these jobs going to Europe, all these jobs going all over the place, all over the world, and not here in Ontario and not here in Canada.

It continues and says, "Hamilton, Sarnia, London, Toronto, Sudbury and Ottawa all compared well against the rest of the world." I know that the minister would want to listen to this and would want to correct the record in his statement when it comes to Ontario's competitiveness across the world. In fact according to his colleague the member for Eglinton, "We're leading the industrial world in competitiveness," said Economic Development, Trade and Tourism Minister Bill Saunderson following the release of the report. "We're leading the...world."

I think the member was quite right to point that out, and I don't know why this minister and this government want to give a different kind of message, except that they have an agenda. That agenda is to foist something which doesn't have a basis in fact on to Ontarians, on to the construction sector, on to the labour sector. I really do wish that the minister and the Premier would be much more circumspect in their comments.

Contractors and unions have been trying to solve a number of these problems. There was really a spirit of goodwill and cooperation among all the different parties to work some of these things out. But introducing this bill with the provisions it has in it has totally ruined that spirit of goodwill and cooperation.

Bill 31 removes employers who are not primarily engaged in construction work — again, there's no definition of what that means, "primarily engaged in construction work" — from the construction provisions of the Labour Relations Act. These employers include such organizations as retailers, institutions, school boards, municipalities, hospitals, fast-food restaurants, a number of these. Banks, by the way, are included, so if Toronto-Dominion Bank decided they wanted to raise up another tower, they're not included in the provisions of this legislation.

A major ramification of this section is that under the Labour Relations Act all employers that employ even one unionized construction worker are only allowed to contract out their construction projects to unionized contracting companies. Those employers who will be able to remove themselves from the construction provisions will now be free to use unionized or non-unionized contractors — definitely an anti-union measure, definitely an anti-union move. In fact the certification process as well is under fire.

I've heard a number of government members talk about certification and how this is democracy and secret ballots and majority rules. Well, it's very interesting. It alters the process of certification in two ways. One is that you can have certification despite a negative employee vote under the current rules now. That's called section 11 and, by the way, that was introduced by Bill Davis and his government. This is not something that was done under other governments. This is a long-standing tradition, really a democratic practice, where intimidation has been used within a workplace to thwart the right to, to thwart the efforts of, a democratic and free vote. The Ontario Labour Relations Board has the power to certify, even if the majority vote against, because of a flagrant violation of the employer. This provision has been used 15 times in the last four years; 15 times in a little over 600 certifications, so 2% of the time this happens, and we have to write a whole piece of legislation.

Many of the government members have talked about Wal-Mart being the recent case and precedent. This is the Wal-Mart decision. I'll read you a passage from this decision. It says:

"The act recognizes that an employer is in the more immediate position to affect an individual's employment relationship, if only by virtue of its freedom to advance, preserve, impede or terminate an individual's employment. Therefore, by the terms of the act, that very freedom is restricted. In order to protect and promote the collective bargaining process, the Legislature has provided that no employer is free to affect a person's job security or conditions of employment when the employer's action is prompted by an anti-union motive.... For the same reason, by virtue of the act, an employer's freedom of expression regarding possible union representation of his employees is not absolute. While he is of course free to express his view of representation by a trade union, he may not use that freedom of expression to make overt or subtle threats or promises motivated by anti-union sentiment which go to the sensitive area of changes in conditions of employment or job security."

So overt or subtle threats can thwart the move towards certification of the union.

I know members of the government will be very interested to learn that they're the ones who appoint the people on the Ontario Labour Relations Board. They're their appointees. When your appointees tell you that these kinds of practices have taken place and that there is such a flagrant violation and such a need as to take the ultimate step, which is to impose the sanction of certification in the

event that there is not a majority, that tells you that your own advisers, the people you have appointed to this board, have said that's an appropriate sanction and an appropriate solution.

I heard some of the members say, "We could just fine them or we could force them to hire back employees." Sure, those sanctions already exist under the provisions of the Ontario Labour Relations Act. If a company is big enough, they can afford a one-time fine or fee of \$100,000. It's just a tax on the ability to keep unions out, to prevent workers from expressing their democratic right of freedom of association.

That's really interesting, too. Freedom of association is another right, is another democratic part and another tradition in this country which is under attack in this bill. Workplace democracy does not exist in this bill. In fact it is an attack on democracy, it is an attack on the rights people have and it is an attack, I believe, on charter rights contained under freedom of association.

The other way it could be affected — as I said, there are two ways. Evidence whether a certification vote met the threshold: Currently the Labour Relations Act requires a vote of 40%. Employers will now be able to object to the appropriateness of a union's definition of the specific bargaining unit.

There are other provisions and other recommendations in here. It's just fascinating how the title says one thing

and, as I've outlined in a number of instances, the bill says something entirely different. I call it Orwellian double-speak. I call it equivocation. I call it absolutely wrong. The government chooses to couch their terms and their words in other kinds of language, and I think the people of Ontario are not being well served.

We've seen this government begin to move ahead in the apprenticeship end and we look forward to the minister introducing some apprenticeship legislation. I can tell you, with the provisions contained in this piece of legislation and with the provisions the minister has announced regarding apprenticeship as far as charging of tuition, regarding deregulation of the apprentice wage, the construction industry and the trades are becoming less attractive for our young people.

Do we want to create a culture where we put another roadblock to the aspirations of our young people, that we have found another way to create more youth unemployment? It's running double the rate for those over 25. That's in excess of 15%. This government should be ashamed of its record when it comes to our young people and it should be ashamed of Bill 31.

**The Deputy Speaker:** It being past 6 of the clock, this House stands adjourned until 6:30 this evening.

*The House adjourned at 1802.*

*Evening meeting reported in volume B.*



**LEGISLATIVE ASSEMBLY OF ONTARIO**  
**ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO**

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Oriole	Caplan, David (L)	Scarborough North / -Nord	Curling, Alvin (L)
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Oxford	Hardeman, Ernie (PC)	Timiskaming	Ramsay, David (L)
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		York South / -Sud	Kennedy, Gerard (L)
		Nickel Belt	Vacant

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Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.



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## Legislative Assembly of Ontario

Second Session, 36<sup>th</sup> Parliament

## Assemblée législative de l'Ontario

Deuxième session, 36<sup>e</sup> législature

# Official Report of Debates (Hansard)

# Journal des débats (Hansard)

Monday 15 June 1998

Lundi 15 juin 1998



Speaker  
Honourable Chris Stockwell

Président  
L'honorable Chris Stockwell

Clerk  
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## LEGISLATIVE ASSEMBLY OF ONTARIO

Monday 15 June 1998

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Lundi 15 juin 1998

*The House met at 1830.*

### ORDERS OF THE DAY

**Mr Bud Wildman (Algoma):** On a point of order, Mr Speaker: I don't think there's a quorum present.

**The Speaker (Hon Chris Stockwell):** Is a quorum present?

**Clerk at the Table (Ms Lisa Freedman):** A quorum is not present, Speaker.

*The Speaker ordered the bells rung.*

**Clerk at the Table:** A quorum is now present, Speaker.

**The Speaker:** The member for Muskoka-Haliburton.

**Mr Bill Grimmer (Muskoka-Georgian Bay):** Muskoka-Georgian Bay.

**The Speaker:** Muskoka-Georgian Bay. I apologize.

**Mr Grimmer:** That may come at some future date, Mr Speaker.

### ELECTION STATUTE LAW AMENDMENT ACT, 1998

#### LOI DE 1998 MODIFIANT DES LOIS EN CE QUI CONCERNE LES ÉLECTIONS

Mr Grimmer, on behalf of Mr Hodgson, moved second reading of the following bill:

Bill 36, An Act to amend the Election Act and the Election Finances Act, and to make related amendments to other statutes / Projet de loi 36, Loi modifiant la Loi électorale et la Loi sur le financement des élections et apportant des modifications connexes à d'autres lois.

**Mr Bill Grimmer (Muskoka-Georgian Bay):** I should indicate at the outset that I'll be splitting my time this evening with the member for York-Mackenzie and, if time permits, the member for Northumberland.

It's a pleasure this evening to commence the debate on second reading of Bill 36. I think this is certainly a piece of legislation that is worthy of debate and one that contains long-overdue reforms to ensure that our elections are conducted properly, to ensure that the rules surrounding the electoral process are made more clear and simpler to understand. Many of the reforms in Bill 36 are a logical follow-up to the Fewer Politicians Act, which, you'll recall from the last session, reduced the number of ridings in Ontario from 130 to 103.

The changes that are occurring in a number of ridings and the changes that have occurred in our society have resulted in a number of bodies making recommendations

for reform in the electoral process in Ontario, and these reforms have taken place in other jurisdictions as well. Tonight, while I'm speaking, I'd like to point out how other jurisdictions compare to Ontario and how it is essential that we make sure that our election rules are in keeping with the demands that Ontario has at the present time.

I'll give just a little background on how this legislation came to be before us. In 1991, efforts began to look at the legislative documentation regarding elections, and at that time the Legislature appointed an ad hoc committee to bring in recommendations for reforms to the electoral process. It's important to note that each of the parties in Ontario had members on that committee — all three parties were represented — and the committee was responsible for proposing amendments to the Election Finances Act after each election. In an attempt to provide some sort of foundation for change, the all-party Commission on Election Finances and the chief election officer had proposed a number of reforms designed to ensure the integrity of the electoral process. The commission proposed these amendments to the all-party ad hoc committee.

In Mr Bailie's report entitled Looking to the Future: Electoral Reform in Ontario, the chief election officer recommends reform of the current system with several goals, including simplification and efficiency, the elimination of duplication, improved cost-effectiveness and modernization of the process. The all-party committee accepted many of these proposals, modified others, rejected some and even created their own recommendations. The committee submitted its recommendations to the Legislature on April 25, 1994. At that time, however, no legislation was forthcoming, and our government has finally responded to those recommendations made by the commission and Mr Bailie for the reform of a process that has not been updated in recent years and needs to be modernized.

I thought I'd spend a little time summarizing some of the important reforms that are contained in Bill 36. One of them that has been talked about for some time, especially at the time that we brought in the legislation to reduce the number of ridings, is the creation of a permanent voters' list. One of the supporting arguments in favour of reducing the number of ridings, to have the same number of ridings as the federal ridings with the same boundaries, was to make the creation of a permanent voters' list simpler and more cost-effective for elections that occurred in Ontario regardless of whether they're provincial or federal.

The registry that is being created by this legislation is similar to registries that currently exist in British

Columbia, Alberta and Quebec. The chief election officer for Ontario has encouraged the Legislature to proceed along this direction, and it's estimated that the creation of a permanent voters' list should save \$10 million during each election. That is a significant saving to the taxpayer. The technology that is involved in the permanent voters' list makes it easier to track and update the lists and makes it simple to join the registry through the production of a driver's licence or other similar proof. In high-mobility and new subdivision polls enumeration can occur to ensure the accuracy of the lists. That is an issue in a lot of elections, making sure that in a high-mobility area the list is accurate.

Section 11 of the bill speaks to the issue of temporarily absent voters and how they are able to get the right to vote. Under the bill, if you're a Canadian citizen and permanent resident of Ontario for 12 consecutive months who intends to return to Ontario, you can vote in a provincial election for up to two years while you're temporarily out of the province. It also opens the voting process for individuals outside of Canada because of military service and makes it easier for students to understand the rules around getting the right to vote in the riding in which they are residents. It also deals with the sometimes difficult issue of Canadian foreign service and Ontario foreign service employees and how they're able to get registered in the correct riding and then are able to vote.

#### 1840

Section 19 deals with the posting of voters' lists. This should be an issue of great interest to the official opposition since in the last session the leader of the official opposition introduced Bill 2, which called for removal of the public posting of the voters' lists in each polling division. Clause 19(3)(a) of this legislation responds to that suggestion by the leader of the official opposition.

This is a personal safety issue. It's a personal safety issue because by removing the requirement that the voters' list be posted, women and seniors will no longer need to be concerned that anyone can walk up to a telephone pole or a post office and know that the person lives alone. We would encourage the official opposition to pay heed to that section, and certainly the fact that the leader of the official opposition proposed that in a private member's bill should be reason enough to support the legislation.

Section 4 of the bill allows for the testing of new electoral proceedings during by-elections. We all know that the technology around elections is changing constantly. There needs to be an avenue to test this. We feel that good governance requires the flexibility to be able to test these new procedures. The chief election officer agrees with that and has recommended that section be in the bill, and that's why it's there.

The electors can be added to the voters' list on election day. Many of us have gone through this procedure where you're living in a jurisdiction that perhaps hasn't been your home before. In previous elections it was only in rural areas really where it was possible to get sworn in on election day without difficulty. Section 18 is going to

make it easier for people in that circumstance to get sworn in or to get on the voters' list because they're in a new area.

Section 62 of the act requires that all political advertising must show the sponsors. This is in keeping with our desire to have transparency in the election process, and all political advertising, regardless of whether it's done by parties, candidates, individuals, unions, associations, corporations, whoever is sponsoring the advertisement must display their name for voters to be informed of who is trying to influence their voting decision.

Under the act, registered charities cannot make political contributions. We're turning a guideline into legislation. People who give their money to a charity for charitable causes don't give it to them for political donations. Again, this is to increase the transparency in the political process.

Section 65 deals with affiliated political organizations. They cannot accept donations any longer. This has been referred to by some as political soft money, and the door has been closed to political soft money. Under the old system there was no tracking of affiliated political organizations, on how they received moneys, and no limit on the affiliated political organizations that donated to a campaign. That's no longer allowed. Everything must be run through the party to ensure public disclosure of funds, and I think that's the way the public would want it.

We've added a new offence of bribery in section 44. Section 37 deals with recounts. If the spread is less than 25 votes, it's no longer necessary to request a recount. That's automatic. The process will start immediately and there won't be any need for the parties to the election to embarrass themselves or their opponents by requesting a recount. We've also simplified the rules around proxy voting in section 14. Individuals who know they're not able to vote on election day can get a proxy. These are changes that are saving money for the taxpayer. We're reducing bureaucracy and modernizing the process. It should save \$1 million a year and \$15 million in an election year.

The chief election officer has recommended a permanent voters' list. Recently, in the *Toronto Sun*, he indicated that it would allow for a shorter election period, since there wouldn't be the requirement, as there used to be, for a nine-day enumeration period. If you look at other jurisdictions in Canada, you'll see that the use of shorter time limits on elections has become quite common.

I'll just summarize what the minimum time limits currently are in Canadian jurisdictions. In Ontario the minimum is 37 days. The bill proposes that we go to 28-day minimum. If you look at Alberta, they have a 29-day minimum, BC has a 28-day minimum, Manitoba 35 days, New Brunswick 28 days, Newfoundland has a minimum of 21 days —

**Mr Bud Wildman (Algoma):** How many people live in Newfoundland?

**Mr Grimmett:** — Nova Scotia 36 days, Prince Edward Island 26 days —

**Mr Wildman:** Oh, how many people live in PEI? It's about the size of Sudbury.



**Mr Grimmett:** — Quebec 33 days and Saskatchewan 29 days.

The member for Algoma seems to think there's some correlation between the size of the jurisdiction and the number of days in the election. But from my own experience in the 1995 election, during the early days of the election, going around knocking on doors, a remarkable number of people said to me, "Is there another election going on?" They didn't even know there was an election going on. There really is a very low voter awareness of elections when you have what I think was a 42-day election. It was remarkable the number of people who said to me, "There is an election going on?" They didn't know.

It is this change that enables us to move from the current period of 37 days to 28. That's because there is no longer a need for an enumeration period. We also estimate that there would be a \$1.4-million saving from reduced space and equipment rentals and staffing if we were to have a shorter period for elections.

Mr Bailie's recommendation to dissolve the Commission on Election Finances will save up to a million dollars per year. No other jurisdiction in Canada has two separately run departments to oversee their election process. You have to look at other jurisdictions and compare; you have to have the courage to compare Ontario with other jurisdictions. What we're doing is bringing Ontario into line with other jurisdictions on many of these changes.

Mr Jack Murray was the chair of the commission. He was a past provincial president of the NDP, and recently he urged us to get on with the reforms. I quote him: "Enough time must be provided for the commission, riding associations and accountants in the parties to familiarize themselves with the changes." The opposition has indicated that they wanted all-party agreement on all the changes. In fact there has been all-party agreement on a number of occasions over the last seven years. The all-party finance commission in 1991 and the all-party ad hoc committee in 1994 were able to reach agreement on the changes. Frankly, our responsibility to the taxpayers does not include waiting for the opposition to determine who actually represents their parties' views. They had representatives on the commission and they made recommendations, and many of their recommendations are contained in this legislation.

If we turn now to spending limits, most of the provincial and the federal election laws do not have any restrictions on contribution limits. We believe restrictions provide a more accountable election process, and that has been set out in Ontario for some time. Again, to compare other jurisdictions with Ontario, when you look at the recommended contribution limits, you look across Canada and see that a surprising number of jurisdictions have no limits on the contributions that can be made to a political party. For example, the federal government has no limits on the contributions that can be made to a political party, no limits whatsoever. British Columbia has no limits; Manitoba has no limits; Nova Scotia, PEI, Saskatchewan — no limits on the amount of contributions that can be made to a political party, none. If you look at the riding associations, those jurisdictions also do not have limits on

the amount of money that can be contributed to a riding association.

This legislation very clearly upholds the Ontario tradition of requiring contribution limits, and the limits suggested in the legislation are the same as those the election commission recommended, and that's an all-party election commission.

When you look at the suggested spending limits on local candidates, the recommendation from the commission had been \$1.40 per elector. Currently, the process in Ontario is rather complicated: \$2 for the first 15,000 electors, \$1 for the next 10,000 electors and 25 cents for the remaining electors. What we're suggesting and what the legislation sets out is that we adopt the current expenditure at the federal level of 96 cents per elector.

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When you look across other jurisdictions, that 96 cents per elector is what the federal limit has worked out to be after the last federal election. When you look at Manitoba, their limit is \$1.25 per elector, far in excess of what we're recommending at 96 cents. New Brunswick's is \$1.75 per elector. Newfoundland's limit is \$3 per elector. That's more than three times what we're recommending. In Nova Scotia the rule is \$1 per elector for the first 5,000 and then 85 cents for the next 5,000, 75 cents for the rest. Prince Edward Island's is \$1.75 per elector. There's a pattern here. Other jurisdictions in Canada are in excess of what we're recommending. In fact, what we're recommending is exactly what the federal government has.

That's also exactly what was recommended to us by the member for Windsor-Walkerville, who in a letter expressed, "If the federal expense limits were high enough for the recent federal election campaign, why are they not high enough for Mike Harris?" They are. They're exactly what we've put into legislation and that's exactly what we're proposing to do.

The Leader of the Opposition has said that if we were going to go over to the federal ridings, we should also be looking at the same spending limits. There you have it. Obviously the Liberal Party is flip-flopping again in indicating that they have some difficulty with this legislation.

I thought that I'd close by referring to a recent editorial in an Ontario daily, the Chatham Daily News, in which they indicate that they feel that this legislation makes a lot of sense.

"The legislation in question cuts the length of the campaign from 37 to 28 days, standardizes the amount candidates can spend per voter at 96 cents, excludes research, polling and travel costs from the spending limit, slightly increases tax credits for political contributions and introduces a new enumeration system and permanent voters' lists.

"Opposition members pounded their desks and made such a flap over the changes, eight of them were ordered out of the Legislature.

"Although the recommendations came from an all-party committee, the government did introduce the changes without all-party consent, which rankled opposition members."

The editorial goes on to say, "For our money, a shorter election campaign means less rhetoric and standardized spending and a revamped enumeration system makes, dare we say it, common sense.

"Hardly the stuff of dastardly plots.

"If Liberal leader Dalton McGuinty (who called the changes 'an underhanded attempt to turn the next election into the largest seat sale in Canada's history') is serious about replacing Mike Harris, we urge him to save the rhetoric for truly meaningful issues."

With that, I'll conclude my remarks.

**Mr Frank Klees (York-Mackenzie):** I'm pleased to join in this debate on an issue of significant importance to the voters in this province. I have to say that I find it ironic that in the course of debate members opposite have referred to this bill as a threat to democracy. To the contrary, and I think there's no doubt, as I speak to constituents about this bill, about the intent the government has with regard to this legislation, it's clearly understood by most Ontarians that this is in fact in support of democracy, because it supports accountability, it brings more transparency to elections, it speaks to the issue of costing, it speaks to the issue of how we go about conducting elections and making sure we do so more efficiently. It's very consistent with the commitment that our government has shown and demonstrated, that we intend to fulfil our promise to the people of Ontario that we would bring efficiency, reduce duplication and return to the taxpayers of this province value for dollars.

One of the first initiatives of our government was to reduce the number of politicians in the province. In that regard, you will know that when we head into the next election there will be considerably fewer members seeking election in this province than in 1995. That in itself brings with it some challenges for some of us in this chamber, but that act in itself, to reduce the number of ridings in this province, was in the interest of ensuring that we bring the highest degree of efficiency to how we do business in the Legislature of this province.

As you know, we've reduced the number of ridings in this province to the same number that exists for the federal elections. So it was suggested, and I believe that most people I speak to understand the rationale, that if we're going to be running in the same territories as federal members, the level of spending be consistent with the federal level of spending for elections.

Members opposite seem to have significant difficulty understanding that rationale. But as they contemplate the concept, as they think about how their federal counterparts are able to deal with a certain level of funding for the size of riding in which they run, I think they too at the end of the day will understand that this makes a great deal of sense. In fact, it makes a great deal of common sense.

When we take a look at this bill, in the explanatory note it makes reference to the fact that, "The amendments to the Election Act include the creation of a permanent register of electors, changes to residence rules for determining entitlement to vote, shortening of the campaign period and a variety of technical changes."

When we speak about the issue of democracy, I recall that in the last election there were a number of constituents who came into my office, and I'm sure other members here shared the same experience, individuals who were going to be out of the country during the period when they would be eligible to vote either at the advance poll or on the day of the election. Many times these were people who were keenly interested in the election process, keenly interested in participating in the democratic process but, because of how the Election Act was written, were precluded from voting. In this change, we're saying to all people who are eligible to vote in Ontario that they will have their democratic right to cast their vote or to designate a proxy to vote on their behalf and in accordance with their direction. That simply makes a great deal of sense. It's something that I believe voters in this province have been calling for for some time.

Along the same line, we have taken the initiative in this legislation to preclude the posting of voters' lists. Again, this is something that has been an irritant, a concern, particularly to women and seniors, who have been subjected to having the public voters' list that indicates their name and their place of residence posted in very public places, whether that's on a telephone pole or wherever else. Certainly, in the interests of privacy and for the protection of women and seniors in this province, who can argue with this important step, who can argue that simply makes a great deal of sense for people in this province?

There's also the issue of the creation of a permanent voters' list under section 15. Many of us have been wondering why the province hasn't gone there sooner, given the cost that's involved with each recurring election, whether that be municipal, federal or provincial, to go through the process of enumeration. Also, unfortunately, many times if the enumeration process is not carried out efficiently, if they haven't detected early enough that their name is missing from that voters' list, the result often is that people are denied their right to cast a vote. This bill opens the door and allows us to move on with establishing a permanent voters' list that will, according to the estimates of the chief election officer, Warren Bailie, save some \$10 million each election. That again is something we can't, as members of this Legislature, simply ignore. In the interests of doing this right, we have to move forward.

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Also, in this bill we see some important steps forward under section 62 with regard to political advertising. I believe this has been of serious concern to many people in this province, that when you're in an election period you see advertising in the print media, perhaps radio and television, that carries with it a political message, but people don't know where it's coming from. They have no idea who is sponsoring that advertisement, who's sponsoring that commercial. Section 62 of this act will require that all political advertising must show sponsorship.

There's nothing wrong with special-interest groups participating in getting a message out or advocating on behalf of a particular political party. That is not only allowed, it should be encouraged. But at the end of the day what's important is that at least those who read the



advertisement, at least those who see the commercials, can identify who is sending that message to them, so in that context people can make up their mind whether the advertising has credibility, is something they choose to believe and to base their vote on. Again, in the interests of transparency, in the interests of preserving democracy within this province so that people can make their decision as to who they're going to vote for on the basis of fact, on the basis of objective information, this is an important part of the amendments that are being proposed under this legislation.

The amendments to the Election Finances Act include increases in donation and spending limits, as well as inflation indexing and assignment to the chief election officer of the functions currently performed by the Commission on Election Finances. There has been a great deal said in debate around this bill that the increase in funding or in allowable donations is going to be somehow counter-productive to the interests of democracy in this province, yet as I indicated before, this is consistent with the fact that we are significantly increasing, in some cases, the size of the ridings. We are bringing this into line with the limits of the federal jurisdictions.

When we think about this issue of the financing of elections, we have to keep in mind that, particularly in today's age, it's not simply a matter of printing brochures and delivering them. Certainly, someone in your position, Mr Speaker — you, I know, will want to spend as much as possible on effective communication, because you've had a difficult task here. You will want to be sure that the voters in your riding have factual information about the issues on which you are running. You will not want special-interest groups to have an advantage in terms of how they're lobbying with the electorate. You will want to have the resources, and I know you'll be supported by people in your riding who will make those donations to your election campaign to ensure that the message gets out about the good work that you've done and about the good policies on which you will be running in this next election.

The amount of money that has to be spent today as compared to money that was spent 10 or 15 years ago in an election campaign is significantly different. To take out an advertisement in a newspaper, to take space and time on television is certainly considerably greater than it has been in the past. We have to bring our method of communicating with the electorate into the realm of reality today. Not to do so would be a discredit to the responsibility that we as members of this Legislature have, and this bill will allow us to communicate more effectively.

The issue of reducing the time frame for the writ period: There has been some concern expressed about the fact that this wouldn't provide us with enough time to communicate with the voters, that they want that extended time frame.

Speaker, that was unfair, this message that you've just passed on to me. I'm shocked, I'm dismayed, but I'm not surprised. I wish you well.

Now where was I? The issue of the 28-day writ period. We're communicating daily. I recall the Common Sense

Revolution was a document that articulated the policies very clearly on which we as a political party and now as a government based our promises to the people of Ontario. That document, the Common Sense Revolution, was published a good full year before the writ period. There's nothing at all to stop the members opposite, opposition parties, from clearly articulating before the writ is dropped what you stand for, if you can find something that you stand for.

We won't be partisan in this debate, but it reminds me of the comment that was once made, "You can tell he's a Liberal because he has both feet planted firmly in mid-air." I have a similar recollection of a comment about an NDP, but I can't share it. I'll share it with you later, Speaker, in private.

We urge members opposite to begin to share with the people of the province what you stand for. What are those policies that you would come forward to the people of this province with? When will you be clear that you will repeal Bill 160? Feel free to do that now, to let them know that you will reintroduce the number of school boards that have been reduced, to reintroduce employment equity legislation, to reintroduce legislation that will once again create an uneven playing field in this province, to take away workfare. Feel free.

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We urge you to come forward early, come forward now. We know there will be another election very soon, and we would be interested to know precisely what it is you do stand for. You don't have to wait for the writ period. We all have an obligation to communicate as clearly as possible with the people of this province as to how you will manage the affairs of this province, how you will deal with job creation, how you will deal with the issue of confidence in the direction of this province, not only economically, but what you will do to ensure sustainability of social services, what you will do to ensure that the health care system in this province is not only maintained but improved and brought to the point where everyone in this province will be assured that when they need health services they will be there. You can't do that, and you know that, if you can't be first fiscally responsible.

We believe that the changes we are bringing forward in this legislation, when it is approved by this Legislature, will be in the best interests of the voters of this province. It will improve accountability within the electoral process. It will ensure that people in this province can get the message succinctly, clearly, and when they get a message, they will know who is giving it. They will know whether it's the union that is delivering the message through the airwaves, with funds that have been deducted from employees' wages as union dues. They'll know that.

**Mr Dwight Duncan (Windsor-Walkerville):** Or the Family Coalition.

**Mr Klees:** Absolutely. The member opposite says, "Or the Family Coalition." Clearly it's important that people know whether the message that's being delivered is coming from a group of people who care deeply about the family, who care deeply about values that have been trad-

itionally held in this province, absolutely. And we want that to happen. This bill will ensure that that happens.

I urge members opposite, it's not too late to reconsider your position on this bill. I can't imagine that you would want to go back to your electorate and have them know that you voted against a piece of legislation that brought accountability, that brought transparency, that reduced the cost of elections. How can you do that? I suppose you will have to explain that, along with many of the other votes that you've cast in this Legislature: opposed to workfare, opposed to reducing the deficit, opposed to creating an environment in this province to create jobs. You'll have an opportunity to explain that, and my colleagues will welcome the opportunity to clearly defend the record of this government. But we will be doing it as well against the backdrop of an election process that is clear, that is accountable, that is transparent. People will know what it is that we stand for, they will know well what it is that they can expect from us.

**Mr Wildman:** You will be doing it against a barrage of advertising paid for by big money.

**Mr Klees:** The member opposite, the member from Rainy River —

**Mr Gilles Pouliot (Lake Nipigon):** Algoma.

**Mr Klees:** The member for Algoma speaks about advertising, implying that the advertising that would be paying for the messaging of our party would come from big business. Let me assure the member that the vast majority of contributions that come to our party, that come to me in my riding and have come in the past, come from small business, come from individuals, come in \$25 and \$50 amounts, come from individuals who care about the democratic process and who, quite frankly, have been fed up with a system of government that has bowed to the wishes of some large organizations, whether that be unions, whether that be other lobby groups, and I think it's time that we became very transparent in terms of who is paying for the advertising, who is paying for those signs on the lawns.

**Mr Wildman:** The National Citizens' Coalition.

**Mr Klees:** Yes, and nothing at all wrong. We welcome those contributions that come from the unions and we welcome contributions that come from the National Citizens' Coalition. But let it be clear, we also believe that every citizen of this province, every voter should know where it is coming from, and that is what this bill will do. Why would you oppose that? Why would you be opposed to ensuring that the voters of this province understand who is doing what, who is saying what in this province? We welcome you to reconsider your position.

I would like to leave some time for my good friend. In closing, I would like to also read what a newspaper has said about this. Interestingly enough, this comes from the north, for the member for Rainy River —

**Mr Michael A. Brown (Algoma-Manitoulin):** He's not here.

**Mr Klees:** Algoma. Let me see if he can guess — where is the member for Rainy River? No, I can't say that. He's probably here in spirit.

This is from the North Bay Nugget. Let me read it to you. The headline is "Election Changes Are for the Better." "The only people making a fuss over changes in Ontario election regulations are opposition parties. Voters are likely to agree with most of the adjustments and yawn about the others," in the wise words of the North Bay Nugget.

Again it begs the question, why would opposition parties oppose such commonsense changes that bring the Election Finances Act into the current day, that make the necessary changes to add democracy into the process, to add accountability, to add transparency into the process? We don't understand how the opposition parties could oppose it and we ask them to reconsider their position.

**Mr Doug Galt (Northumberland):** I certainly appreciate the opportunity to address the issue of Bill 36, which is way, way overdue. It's some 12 years since this was updated last, and it's certainly about time that we got down to the seriousness of it.

It's nice that the previous government, back in 1994, saw some light and struck a commission to look at this. There are some three NDP members sitting on it, two Liberals and two Conservatives, as I understand. It was unanimous. They all agreed with the recommendations coming forward. I think it's interesting at this point in time that the Liberals would jump up and down and yell and scream and cry and create a fight. That's obviously what they're trying to do: grab media attention, create a fight, on an issue that they totally agreed to in the first place. It's not too surprising, the steady flip-flop of the Liberals, that once again they would do that kind of thing on an issue such as that from the commission they sat on, fully agreed, and then they come into the House and start —

**Mr James J. Bradley (St Catharines):** You can't mislead the House.

**The Deputy Speaker (Ms Marilyn Churley):** Member for St Catharines, can you withdraw that, please.

**Mr Bradley:** I will be happy to withdraw that.

**Mr Wildman:** If he withdraws that, does that mean you can mislead the House?

**The Deputy Speaker:** Come on now. The member for Northumberland.

**Mr Galt:** Thank you very much, Madam Speaker, for recognizing the need to withdraw that statement. It's much appreciated that you followed up on that.

That's been the situation and the member for St Catharines understands that. The representatives on the commission did agree to it and now they're trying to pick a fight, recognizing that it's a good time for political opportunity.

**Mr Bradley:** You are cherrypicking —

**The Deputy Speaker:** The member for St Catharines, come to order.

**Mr Galt:** Just looking at some of the issues in this particular bill, and the 28-day minimum length of appearing for campaigning purposes from the time of calling the writ until election, certainly this is something that the public have been asking for for some time. They've been saying they're tired of all these signs out in



the countryside. They want a shorter election period. It does not take longer than a month to get your message across. Really what's going on here is responding to the issues and responding to the concerns that the public of Ontario have expressed for some time. There's no question that communications have changed over the 12 years. Certainly you can get your message out an awful lot faster than you used to be able to get the message out with all the electronic media, there's no question.

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By example or comparison, in England it's only a 21-day period. Surely to goodness if they can do it in 21 days in England, we in Ontario can do it in 28 days. Over and above that, we have a permanent voters' list, so it's not necessary to go out and develop the voters' list each time. There's going to be a tremendous amount of saving just because of this permanent voters' list.

I think it's just ideal to be moving ahead with combining Elections Ontario and Elections Canada. There's no point in having two bureaucracies to run the very same thing. Just right there alone, combining those two departments, we'll easily be saving a million dollars or more.

I did mention, as the member from St Catharines came in and brought to our attention, this all-party agreement with the commission that was struck in 1994, some 12 years to get around to making changes, and here we are, the opposition just trying to pick a fight for the sake of picking a fight. I understand that. It's good politics to pick a fight over something you think you might get public attention from. They've certainly tried, but I'm sure they must be pretty disappointed with the little bit of public attention they have ended up getting because of this particular fight that they've picked.

We've made an awful lot of changes in this government, one of them being changing the shape and configuration of the riding, with the boundaries now coterminous with the federal boundaries, reducing the number of provincial MPPs from 130 to 103, a reduction of 27. There's certainly going to be a saving in the House in the next term. I can see the real concern the third party has, with the ridings they now have. I can understand why they're quite concerned, but it makes so much sense to reduce the size of government.

We've been doing a lot of other things to reduce the size of government, from eliminating the gold-plated pension to getting rid of the tax-free allowance to —

*Interjections.*

**The Deputy Speaker:** Order, please.

**Mr Galt:** I notice the member for Lake Nipigon and the member for Algoma are very enthused about this. They really appreciate what has happened to the tax-free allowance and to the pension.

We've reduced the size of cabinet, dramatically reduced the size of political staff that each minister has, got rid of the subsidized barber shop and the subsidized restaurant. We've come a long way in making the kinds of changes that the public, the taxpayers, the ratepayers of Ontario have been asking for for a long time.

Coming back more specifically to this one, just getting the riding sizes consistent, the public will now have a better understanding. I know just the poll that I live in, federally it's cut north and south and provincially it's cut east and west. They go to different polling booths in different locations and it's very confusing for the public. With these changes there will be consistency from provincial to federal elections and people will understand the politics and what is happening.

It's interesting to look at some of the research and polling in the past. There have been no limits until here, in 1995, the commission made a suggestion of a limit, recommending we set up guidelines. But I think, as the member for St Catharines mentions, what's interesting is that previously the Liberals spent five times as much as the Tories on research and polling. It's obvious, in spite of the comments they make that we have extra money in the bank and therefore it's going to be to our advantage in the upcoming election, that spending five to one in the previous election did not do the Liberals any good. They still had the same number of seats, approximately, that they had prior to the last election.

The spending limits, in spite of what the commission recommended at \$1.40 for each of the voters — that seemed quite high — are now in this bill at 96 cents per voter, consistent with the federal government. I would think the member for St Catharines would be very appreciative that it's been set at a level consistent with the federal government.

**Mr Bradley:** This is consistent with the Republican Party in the US.

**The Deputy Speaker:** Order, please, member for St Catharines.

**Mr Galt:** It's interesting to note that back in the last provincial election there was quite a range. It was all over the place, from as high as \$2.05 in Rainy River to as low as 51 cents in York Centre.

**Mr Wildman:** Why was that?

**Mr Galt:** That's because of the way it was set up. Now we're getting that all straightened out. It was very inconsistent before. Maybe that's why the member happened to accidentally win in Rainy River, because they could spend so much up there. It's hard to say. I wouldn't be surprised.

I think the changes that we're making here are going to be very helpful for the voters to better understand the election process in general. There's going to be some consistency in the riding sizes and there's going to be some consistency in what can be spent.

I also think it's interesting, in connection with the federal government, that there are absolutely no limits on what can be donated. We have very specific limits on what can be donated. I know the member for St Catharines has been very concerned about this, but he should really pay attention to the kind of limits that your federal cousins have in Ottawa, and there are just no limits whatsoever.

**Mr Bradley:** I have control of this House but not that House.

**Mr Galt:** You may think you have control over this House, but that may be a figment of your imagination, that you have control here. Just ask some of your backbenchers in your own party and you may find that you don't have as much control as you think.

**The Deputy Speaker:** Member for Northumberland, direct your comments to the Chair, please.

**Mr Galt:** Certainly, Madam Speaker. That was through you to the member for St Catharines. I had no idea you might misinterpret that.

Madam Speaker, I draw to your attention the Chatham Daily News, "Election Changes Are Not Sinister." It comments in here, and I think it's quite interesting what they have to say:

"The legislation in question cuts the length of the campaign from 37 to 28 days, standardizes the amount candidates can spend per voter at 96 cents, excludes research, polling and travel costs from the spending limit, slightly increases tax credits for political contributions and introduces a new enumeration system and permanent voters' list."

It goes on to say nearer the end of the article:

"For our money, a shorter election campaign means less rhetoric and standardized spending and a revamped enumeration system makes, dare we say it, common sense.

"Hardly the stuff of dastardly plots.

"If Liberal leader Dalton McGuinty...is serious about replacing Mike Harris, we urge him to save the rhetoric for truly meaningful issues, of which there are plenty."

In winding up, just to highlight some of the issues that are being changed in this particular bill, one is a permanent voters' list created.

**Mr Wildman:** Good idea.

**Mr Galt:** The member for Algoma agrees with that: "Good idea." So does the member for Lake Nipigon. The member for St Catharines is holding his head pretty steady, but there are a lot of nods on the other side of the House agreeing with this particular position.

Also, temporarily absent voters are given the right to vote. Certainly that's the way it should be. I spent a year in Indonesia with CIDA, and while I was there I gave up my right to vote, but I did not get the opportunity to give up my right to pay taxes. I had to pay Canadian taxes while I worked there for a year but I did not get a chance to vote in the federal election that took place while I was there.

Third — through you, Madam Speaker — the ability to test new procedures during by-elections.

Fourth, electors can be added to the voters' list on election day.

All political advertising, including interest groups, must show ad sponsor. It doesn't matter how many of your unions get out there to campaign for you; the public should know that it's coming from a union or whoever is out there on your behalf.

Registered charities cannot make political contributions in Ontario. I can't imagine a political party that would extract funds from a charity, but obviously it's necessary.

Maybe the third party and the official opposition get their funds in strange ways.

Affiliated political organizations cannot accept donations.

A new offence of bribery is added to the act. Wow. Terrible that in our culture we have to put that in, but obviously it's necessary.

Recounts will be applied automatically if the spread is less than 25 votes.

I think this is an absolutely excellent bill that's being brought forward at this time, Bill 36, An Act to amend the Election Act and the Election Finances Act, and to make related amendments to other statutes. Because of the content of this bill and its 12 years in coming, I can very enthusiastically support it and I'm sure that all members of the Tory caucus can enthusiastically support it. I would suggest that members on the other side of the House relook at this bill because there's a tremendous amount in here that's going to be helpful to both of those parties.

Thank you very much, Madam Speaker, for the time.

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**The Deputy Speaker:** Questions and comments?

**Mr Bradley:** This bill is all about putting more money in the pockets of the Progressive Conservative Party, the governing party in Ontario. It increases substantially the amount of money that corporations and individuals can donate to a political party or individual candidates. It increases substantially the amount of money that candidates and political parties can spend in an Ontario election campaign. It limits the campaign period to such an extent that the government gains an advantage because it knows when the election is going to be and purchases all of the television time for that.

I can tell you, the smart characters — I won't use the second part of that I was going to — who sit in the back rooms of the Premier's office and who sit in the back rooms of the Conservative Party really think they're being clever: "Oh, we're really clever. We've got this great idea. We will buy the election. We will change the rules so that money is king in Ontario." That's the way it is in the American process.

It was interesting. Last week, while we were discussing certain things in this House, the House of Representatives in the United States was talking about campaign spending and financing. They were running into many of the problems on an ongoing basis that you people are heading to with this particular bill.

Here you're going to abolish the Commission on Election Finances, the watchdog over the spending and the contributions that can be made in this province. You are exempting from any consideration at all, any limits at all, certain activities such as polling and research, which you will define very widely. This is all so that all the money that you've gathered from the richest people in this province and the most powerful people in the province, the people to whom you have geared your policies, your legislation and your regulations — so you can gather the money from those people to try to buy the election. You've stacked the deck with this bill.



**Mr Wildman:** I listened carefully to the comments of the member for Northumberland, the member for York-Mackenzie and the member for Muskoka-Georgian Bay. I find it a little bit strange logic to try to justify the changes that are being proposed in this legislation on the basis that they were approved by the commission. First, that ignores the fact that there are a number of changes in here that were not proposed by the commission. But the government members say that they were recommended by the commission and then in the next breath say that they are going to eliminate the commission. If they depend so much on the commission, why are they eliminating it?

Also, the suggestion that this makes things more transparent: I wonder if the members are suggesting that the election campaigning that we've had in this province for the last 20 or 30 years was less than transparent and that we don't report who contributes funds to our campaigns. Surely that is required under the law.

The member for Muskoka-Georgian Bay compared a number of jurisdictions in Canada and pointed out the length of campaigns in the various jurisdictions and the expenditure limits and so on in a number of jurisdictions. I find it strange that a member of the governing party would do that in this instance and yet not do that in others.

Why is it that a member of the governing party, the Minister of Education and Training, for instance, doesn't get up and read how much we spend per capita for post-secondary education across Canada and compare Ontario to the other jurisdictions? We are last, by the way. He doesn't say that because of that we should be increasing it, but in this case they say we should be doing this because it's done in other jurisdictions.

**Mr Bart Maves (Niagara Falls):** I want to congratulate the members for Muskoka-Georgian Bay, York-Mackenzie and Northumberland for their speeches. They were all excellent.

A point that needs to be made is that most of these changes came from the election commission that was appointed by the NDP government, a commission of seven people. Five of those people were from the opposition benches, two Liberals and three NDPers.

Dan Girard of the Toronto Star had this to say: "The opposition parties are open to ridicule because Liberal and New Democrat officials agreed with the proposals when drafted by the commission last year." It's a very good point.

I think it's also very relevant when we look at some quotes from Dalton McGuinty. Mr McGuinty says that if we are going to go over to the federal ridings, we should also be looking at the same spending limits for federal ridings.

Dwight Duncan, the member for Windsor-Walkerville, says, "If the federal expense limits were high enough for the recent federal election campaign, why are they not high enough for Mike Harris?"

The answer is that indeed they are. We've done exactly what Mr McGuinty and Mr Duncan have asked for; 96 cents is the spending limit for local candidates, the same as in the federal election. If you compare that to other

jurisdictions, one might say that's not a high enough limit. Alberta has no limit. In Manitoba it's \$1.25. In New Brunswick it's \$1.75. In Quebec it's \$1. We're below all of those jurisdictions.

Also Mr McGuinty and Mr Duncan wanted us to have the federal limits. Spending limit of recognized parties: 60 cents per eligible elector in Ontario. Last federal election: 60 cents. We've done exactly what Mr McGuinty, Mr Duncan and several others on the other side have asked for, including five of the seven opposition members on the election commission.

**Mr Duncan:** On a point of order, Madam Speaker: The member quite correctly in the first instance attributed something to the leader of our party and to myself, but in the second instance it's patently not true.

**The Deputy Speaker:** You have to withdraw the second part of your statement. You can't say that.

**Mr Maves:** On the second part, let me rephrase —

**The Deputy Speaker:** It is not a point of order. You can't correct the record that way.

Where are we here? One more? Questions and comments? No more questions and comments? Okay, the member for either York-Mackenzie or Northumberland can sum up.

**Mr Klees:** Let me sum up. I think we have had an opportunity this evening to discuss a very important piece of legislation. We've had the opportunity to set forward very clearly for the people of this province the rationale behind bringing this legislation forward at this time. We made it very clear that it is in the interest of bringing accountability to this process which the people of this province honour. It is their opportunity to come forward and to cast a vote for the government of their choice.

Surely it's important that during the course of that election process the people of this province should have the right first of all to make contributions financially and in kind to the process. Surely it's important that people, as they hear advertising, whether that be through the radio, television or in print, know who is sending that message. The disclosure behind the advertising that's contained in this legislation is ultimately in the interest of democracy and a clear understanding of what the message is.

The fact that we are bringing the electoral process into these days — the Berlin Wall has fallen. People are using automatic tellers at the bank. We're no longer using an abacus. It's time we brought the Election Act and the Election Finances Act into 1998 and beyond, and that's what this legislation will do. Members opposite, you can stay in the past if you like; we're moving forward with the people of Ontario.

**The Deputy Speaker:** Further debate? The member for Windsor-Walkerville.

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**Mr Duncan:** This evening I will be sharing the time we have allotted to us with the member for Timiskaming.

Tonight we have heard the beginnings of debate, and I noted with some interest that the member for York-Mackenzie suggested that this bill is designed to bring accountability to the process. I note rather sadly that the

minister responsible for this bill wouldn't even address it in the House when he brought the bill forward, wouldn't give a ministerial statement. In terms of accountability and transparency, isn't it odd that the government House Leader would call this bill at night time, when the media are gone? Isn't that odd? And it's not planned and not deliberate. We ought not be surprised, because everything we've heard tonight so far twists, distorts and selectively uses comments and quotes out of context.

Let me begin by talking about what the bill deals with and where the government formed the basis of its legislation. We're dealing specifically with two acts, the Election Act and the Election Finances Act. In the course of the last eight years, there have been three distinct groups working on three distinct parts of the two pieces of legislation without considering both pieces at the same time, or taking into account the full view of the electoral process in this province, either prior to this bill or certainly subsequent to it. Obviously they haven't considered that. They have dealt with and brought together, in addition to those proposed changes, changes of their own, changes that don't come out of any of the three documents.

I think it's also worthy to note, and we will be talking a little bit about this, that there are items that they ought to have considered. There are items that all three parties ought to have considered when looking at electoral reform in this province; specifically, pre-writ spending by political parties and how that is unregulated in this province; the use of government money, government advertising in the pre-writ period; and finally such things that are related to campaign financing and election law as lobbyist registration and more accountability.

**Mr Bill Murdoch (Grey-Owen Sound):** On a point of order, Madam Speaker: I recognize on the other side the member that's sitting on the desk, but I don't know who the member behind the desk is. I wondered if you could explain it. There's one of our members sitting on the desk.

**The Deputy Speaker:** That is not a point of order. I don't know what you're talking about.

Member for Windsor-Walkerville.

Now I see what you're talking about.

**Mr Duncan:** What is important to understand is that the government has taken certain aspects of different reports and pulled them all together. The net effect of those changes is to stack the election process in the favour of incumbent governments, particularly those governments that are well off financially.

I'd like to spend a few minutes talking about the changes that are contemplated in the act, in Bill 36, because the government members really didn't deal with the more contentious ones. They dealt with a number of amendments that, while important, certainly don't constitute a risk in the view — I can speak for our party, but probably in the view of either political party on the opposition benches. There are numbers of amendments that have not received public debate because they are relatively minor in nature. There are others that are acknowledged, important changes, such as permanent

voters' lists, which I think are worthy of consideration. But I'd like to talk for a few minutes about several of the major changes that the government contemplates and discuss what we believe to be the real implications of those changes.

First of all, one of the most significant is the writ period being reduced to a minimum of 28 days from its current 37 days. The government members opposite have talked about how this fits with other jurisdictions, and the fact is it doesn't. It's all over the board how long, ranging from 28 days to 37 days, 33 days, 30 days. What we found particularly intriguing about this particular amendment was that initially the government tried to suggest that the chief election officer had endorsed it. Our phone calls, which were subsequently confirmed by the media, indicated that simply was not the case. That was more government spin, more spin paid for by generous contributions to the whiz kids and other assorted experts who have crafted this document and have put it into the hands of this Legislature. In fact, no one recommended that; it came out of nowhere. Why? That's the question we asked ourselves. Let's consider for a moment what the implications of a shorter writ period mean.

First of all, it means a greater reliance on advertising, and advertising, yes, costs money — big money. It means a greater reliance on money. It means that a party that raised millions in one year will have a distinct advantage over others that didn't. So it's not about what's good for the electorate, it's about what's good for the governing party, what's good for the Harris government, what's good for the Tories. It's about more money.

**Mr Galt:** On a point of order, Madam Speaker: The member for Grey-Owen Sound had an excellent point, but what he forgot to mention was that the member sitting on the desk was actually a bear. It was a product of China that was distributed earlier in the day by the NDP. I thought it was important —

**The Deputy Speaker:** Member, take your seat. This is not a point of order. Come on now, there's a member in the middle of his speech.

Member for Windsor-Walkerville.

**Mr Duncan:** It's obvious the government doesn't want to talk about this legislation, for good reason, and I say to the member for York-Mackenzie and others who suggest that we might want to change our position, absolutely not. We're quite comfortable with our position.

The shortened period is not about better campaigns. It's about more money; it's about more advertising; it's about buying elections; it's about large contributions to one political party. It came from nowhere. It wasn't recommended by the commission, it wasn't recommended by the chief electoral officer, it wasn't recommended by the ad hoc committee; it was recommended by the whiz kids, the backroom boys, the same people who worked for Brian Mulroney. It's designed unequivocally to give a leg up and a hand up and a dollar up to a government party that's awash in cash. That's what that particular amendment is about, and any talk about an improved process is nonsense.



If the government were serious about following up on the Fewer Politicians Act, then why don't you simply reappoint the federal returning officers? Oh no, that's much too good a trough to follow up on. If you are so interested in making a level playing field, why didn't you talk about or initiate discussions about limitations on pre-writ expenditures? In the pre-writ period prior to the last election, the well-to-do, well-moneyed party spent almost twice as much as the opposition parties, not including what they can do this time and what they're doing this time with paid government advertising. Every week, in every major daily in Ontario, there have been paid government advertisements. In addition to that, we see this, blatant, crass political advertising paid for by the taxpayers of this province, as if you don't have enough money in your own coffers. We see it.

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**Mr Peter L. Preston (Brant-Haldimand):** On a point of order, Madam Speaker: While we don't mind the member advertising the pamphlet, which comes to about half of what the Liberals spent when they were in power, I don't believe we can use props in the House.

**The Deputy Speaker:** It's a good point of order. You're not supposed to use props in the House.

**Mr Duncan:** This is the other one they mailed, at considerable cost to the taxpayers —

**Mr Preston:** Madam Speaker, I don't mind them using their advertising —

**The Deputy Speaker:** Take your seat. Sit.

**Mr Preston:** Oh, okay.

**The Deputy Speaker:** After conferring with the table officers, it's not a prop per se but it's causing a disruption in the House and therefore can be construed as a demonstration. So I ask you not to do that, please.

**Mr Duncan:** I'll read from my notes and I'll talk about what that member's afraid of.

**Mr Preston:** Point of order, Speaker: The man is making fun of the Chair.

**The Deputy Speaker:** Take your seat, please.

**Mr Duncan:** I'm not making fun of the Chair, I'm making fun of you because you don't want to debate it. You don't want to take accountability for both of these pieces of government-paid-for propaganda. You've cut money from hospitals, you've closed schools —

*Interjection.*

**The Deputy Speaker:** Just take your seat. Member for Brant-Haldimand, I ask you to please come to order.

**Mr Duncan:** You've cut money from schools and hospitals and you send this garbage out under the guise of democracy? Wrong. The shortened writ period is all about this kind of bullying. It's all about stifling debate and buying advertising. It's all about undermining democracy in this province. The members ought to discuss this bill and not their silly points of order.

Once again, I want to turn my attention for a few moments to the contribution limits. The government members have made an argument around the issue of contribution limits. They have suggested —

**Mr Preston:** On a point of privilege, Madam Speaker: The man said it was "a silly point of order," and you agreed that it was a good point of order.

**The Deputy Speaker:** Member for Brant-Haldimand, I don't think it's fair to keep interrupting the member's speech unless you really have a valid point of order.

**Mr Duncan:** Madam Speaker, I did not consider your ruling to be silly; I considered the member opposite to be silly.

I want to talk about the changes to contribution limits. The government members talked about that and how there's no limit on federal contributions, and they're absolutely right about that. I suspect they probably didn't want to discuss the other part of that equation. They conveniently left out the part that federally there are limitations on tax credits, half of what they're proposing in terms of tax credits. They didn't want to talk about that.

So the people of Ontario understand, the maximum contribution limit to political parties is being raised from \$4,000 right now to \$7,500 — almost doubling it, but not quite. In addition, under the Corporations Tax Act, corporations can now write off \$15,000 in aggregate contributions to political parties. They didn't mention those figures in their discussions because they obviously didn't want to, just like they don't want to talk about this bill tonight, just like the minister didn't want to address it when he introduced the bill, just like they stand up and interrupt because they don't want to talk about it. They do it in the dark of night and they have no debate, they have no hearings. Of course they don't want to talk about that, because those members know full well what this is all about. This changes the entire process and it gives the advantage to those with money.

In addition to the central party increases, they're now proposing to increase the limits on contributions from \$750 to \$1,000 per riding, with certain maximums. Again, they didn't want to talk about that, and they didn't want to talk about it in the context of a shortened campaign period. Of course they didn't. Their game is about trying to change the rules to their benefit and make it appear as though they're not. They were quite prepared, until we intervened, to more than double the average riding expenditure. That was well reported earlier this year. Then they got afraid. They put that one through and then they take everything we said out of context, as if we support everything they did.

Yes, I agree that the riding limits should be exactly the same as the federal limits. That is what we did propose some months ago, when the then government House leader suggested publicly. I remind the members opposite, that they were going to proceed with those riding expenditures, limits that were contemplated first by the commission and then obviously by the government.

They talk a lot about that one small amendment and they talk about a number of other amendments that we don't disagree with. A permanent voters' list we can agree with, some of the routine changes that are being made for the election process we can agree with, but let's talk for a moment about the changes to the central campaign

spending and what their significance is. I want to address it in the context of the government's last official return, the 1995 return, to show you how people whose motives are suspect can twist the truth and make an argument that on the face of it would appear compelling. The member for Niagara Falls suggested that somehow we supported the 60-cent-per-voter spending limit the government is proposing, as opposed to 40 cents, saying that copied the federal rules. In fact (1) that is not the federal rule and (2) we never supported that in writing or publicly or anywhere else, for that matter. That is an example of the kind of distortion that is being created.

Just so we'll understand, the members opposite said that the federal government has a 60-cent-per-voter limit. They don't. It's a formula that doesn't come close to 60 cents per voter. What is the effect and impact of that? It doubles the amount the central campaign can spend. Let's take some raw numbers from the government's return. By the government's own figures, current political party spending, their overall limit is \$2.69 million. Under the proposal, going from 40 cents to 60 cents, you go to \$4.048 million. We've also proposed to exclude travel spending and polling spending. Let's not take the election. Let's take the governing party's, the Tories' last return, 1997, which wasn't an election year, to show you the magnitude of what these little changes mean, these little transparencies, these little things that are designed to clean up.

Last year, by its own report, the government spent \$352,000 on travel. On polling last year, 1997, they spent \$609,000. If you take those figures and add them to the government's acknowledged limit, your total spending from the central party in an election period goes from \$2.6 million to \$5 million. That's a difference of \$2.3 million, an 86% increase. Then the clever member, I forget which one, said, "Look at our 1995 return and you'll see we spent nothing on polling." Wrong. Look at the background documents. You showed your polling under the consultants line. You buried it, you hid it, you didn't want people to know. Now you propose to disband the very body that is charged with being a watchdog over that same kind of sleazy politics. That's what your policy is all about.

I felt compelled to share with the government members opposite, who have been dutifully reading from their briefing notes and dutifully reporting out half the story, the reality that these changes, these significant changes, alter dramatically the amount of money a political party can spend at the central level during a campaign. You can spend a lot more. So what's this all about? Is it about democracy? No. Is it about clarity of process? No. Is it about a more informed electorate? No. It's about money and it's about who can buy more advertising and it's about who can spend more.

The government members have made light of the fact that historically in this province we have arrived at electoral law reform on a consensual basis. This time no such luck. The government had no intention of even trying to reach consensus. There was room for negotiation and

the government closed the door on that. The government wants to buy the next election. They don't want to limit spending. They don't want to control their own abuses. They want to change the system to their advantage. That's what it's all about. It's about gaining an advantage. That's what this bill's about. It's not about democracy; it's not about transparency of process. It's about who can raise the most and who can spend the most. I wonder who that might be.

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I want to go back for a couple of moments and talk about the abolition of the election finances commission and putting the powers under the chief election officer. They say they don't have that federally. They don't, but you know what? They don't have individual reporting federally either. So again you're mixing apples and oranges.

The whiz kids are smart enough to know that's not the kind of issue that's going to light up people's minds out there and get people concerned about what's happening to our election processes here in this province. I suggest to the government members opposite that you ought to think through what the implications of all these changes are and not consider them in an isolated fashion, because, my friends, you too may find yourself on the other side some day. Some of you have been there. These changes shift the balance to money, they shift the balance to those who give money, and they take it away from those who don't have it.

The government has also increased the tax credits on contributions. They talk proudly about how much these changes are going to save the taxpayers — a permanent voters' list. They don't talk about how much the tax credit changes are going to cost and who the beneficiary is going to be. Like so much else, the debate is selective and limited and not completely informed.

What it comes down to, in our view, is that how we govern elections first of all ought to be agreed to by the three official parties in the Legislature, or, if there were four, whatever the official parties, there ought to be consensus, number one. That's important, because what makes this law particularly important is it governs how we elect members of this assembly. When a government with a majority imposes its will without that consensus, and we have seen in the past that consensus can be reached on these issues, what it means is we're no longer interested in a fair process; we are interested in making it work for the government, for the party with the money.

The other aspect from a global perspective — it has been suggested that somehow there was some kind of opportunity to negotiate. That was not the case. It never was the case. The bill was written and there was no opportunity for discussion. If the government were serious about clear and transparent processes, they would address the tough questions. What about pre-writ spending? If the government is concerned about that process, release to us now how much you've spent since January 1 of this year, first of all on party advertising but, more important, on government advertising. Tell us what that means and tell



us what the significance of these documents is. Tell us what possible good this could be.

I would much rather have taken the money you spent on this and invested it at Hotel Dieu Grace Hospital in Windsor, or Windsor regional, so there wouldn't be people lying on cots. It's really interesting. One of the government members challenged us about what we stand for and where we'll be. We'll have that. But I remind the government members of your broken promises. You've got no money for health care, but you've got lots of money for cheap political advertising. You've cut money from classroom education, but you've still got money for cheap political advertising.

You have an obligation to the people of this province to withdraw this bill and let the official parties in this Legislature come to consensus. I don't care what the Chatham Daily News says, I really don't. This is about a much more insidious and long-term thing than that. This is about the very fairness of our processes. This is about who's going to have money, who's going to win elections, who's going to be able to influence elections.

It's unfortunate that the government takes such a cavalier attitude to these types of issues. If they were serious, they'd deal with lobbyist registrations and then maybe situations like Casino Niagara wouldn't be going on the way it is right now. Maybe it wouldn't be happening. You talk about what other jurisdictions have done. You're the slowest in bringing forward lobbyist registration. Why wouldn't you do that, if your concern is with democracy and with process? Why wouldn't you do it? If your concern is so pure and so good with respect to the costs to the system, then I challenge you, appoint the federal returning officers. Forget the patronage orgy. Reappoint them.

But you won't do that, because this bill has nothing to do with democracy and it has nothing to do with process and it has nothing to do with transparency and it has everything to do with money, who has it, and it has to do with power and who can buy it, and it has to do with a party that will do anything to keep power. It will change the very laws that govern the way we elect our representatives. It will not consult. It will not have hearings. The minister responsible for the bill won't address it in this Legislature. You won't have committee hearings. Why? You don't want to, because this has nothing to do with democracy, it has nothing to do with process; it has everything to do with money and influence and how you can control the process to your advantage.

Some of the members opposite suggested that perhaps we ought to reconsider our views. We won't. We see this as a major issue. We're going to be talking a lot more about Casino Niagara, we're going to be talking a lot more about lobbyists, we're going to be talking a lot more about money and the process. You've got to look at the bigger picture. It is the view of the Ontario Liberal Party and its leader, Dalton McGuinty, that when you look at the big picture, this bill is not about democracy, it's not about transparency; it's about money, it's about who can pay for elections, it's about advantage and it's unfair. Withdraw the bill. Let's work out a consensus piece of

legislation that all parties in this House can live with and that the people of this province will be well served by.

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**Mr David Ramsay (Timiskaming):** I'd like to thank the member for Windsor-Walkerville for sharing his time this evening, and it is interesting that this debate is happening in the evening. As he very ably pointed out in his speech, while the press goes home and things are quieter around here, the government is attempting to get this bill through, which I think is very similar to what happened last week.

I would say to people that they may have read in the newspapers and maybe caught on a few TV clips that there was quite a ruckus here in this House. The reason is, as has been ably said by the member for Windsor-Walkerville, that up till now three parties in this House have reached consensus in the past on how election law should be written in this province.

I think our leader Dalton McGuinty said it very well, that as young boys and girls on the playground we all know that when we want to change the rules, we do that by consensus. We work that out and we change the rules of the game by consensus and then we proceed with the new game. There's nothing wrong with changing the rules. Of course, they do have to be modernized, but we should do that together. This should not be about, at this time, taking advantage. Once the contest begins, then let the best party win. That's democracy. But I think we should all be agreed on the rules. I think that's very important and I think, through that, the general public should be assured that there is a level playing field, that there is fairness in the system for all and that any of the three parties would have a chance of seeking re-election.

Certainly the cards in this deck are stacked in favour of the government party; there's no doubt about it. What we're seeing with this set of changes in the election law is really an Americanization of our election system. That is basically big-time money, big spending, big fund-raising so that you can finance that big spending. That's really sad to see. It's very sad to see.

I look across the way here. Myself and other members in this House represent rural ridings where electioneering is more of a personal business. The modern-day phrase is "hands on," but I guess in the old days you'd say "eye-to-eye contact." The goal of a candidate in rural Ontario, as much as possible, and I'm sure in most ridings, is to try to meet as many people as possible, to have a face-to-face encounter with the elector to debate the issues, to tell the elector where you stand and to debate that. In rural ridings it's very personal.

I would say the number one activity of a candidate is door-to-door, is not a big TV media buy like you're selling a bar of soap. It's getting around to as many households as possible, to press the flesh, as we say in politics, to make that contact. That's exactly what we want to do, to go around and make that contact and engage the electorate in debate.

We who do this all the time somehow feel that the electorate is constantly, every day, as involved in politics

as we are, but of course that's not the case. We all have families to raise, we have lives to live. People are very busy and they don't focus all the time on politics. But the vast majority in this democracy, in this country, do focus on politics during election time and that's the time to go out and engage people in debate.

Activities such as door-to-door activity, what we would call main-streeting, getting into very small towns and hamlets and somewhat bigger centres and getting on the streets, walking down the streets, going into the businesses, talking to people who are shopping, again almost forcing that engagement during that 36-day period that it used to be, are very important, and it doesn't take a lot of money to do that. Most of us don't have that much money when we raise money for our elections. In fact, most people are left with debts and work very hard in the next four years through fund-raisers of various kinds to try to eliminate those debts to prepare oneself and one's party at the riding level for the next campaign.

This is really going to be changing the face of politics in Ontario.

**The Deputy Speaker:** I just want to clarify a ruling I gave, perhaps elaborate on it briefly, on a point of order raised by the member for Brant-Haldimand about props.

I've been doing a little research with the Clerk since then and I want to clarify that in fact what the member was holding up at that time I would not consider a prop. It was part of the issue he was discussing and it was part of the information he was giving.

However, let me remind members that signs and other kinds of props, perhaps like those Teddy bears that were on the desk earlier, would be considered out of order. But in fact, to be clear, those pieces of literature at that time within the context of that debate were not out of order.

**Mr Wildman:** On a point of order, Madam Speaker: I understand your confusion, if it was a little confusion, because it seemed to me that the member for Brant-Haldimand himself was a prop.

**The Deputy Speaker:** I don't think that's a point of order. Could you start the clock again. Thank you for your indulgence, member for Timiskaming.

**Mr Ramsay:** Thank you very much for that clarification, Madam Speaker. I was just about to bring up the same subject. I felt the point my colleague from Windsor-Walkerville had made was very important. If this government's intention was truly to clean up the political process, then the government should have gone beyond the consideration of only those moneys spent to convince people to vote for one's party, oneself, during the campaign period only, and extended that over the full term of government.

As the member for St Catharines and others in our caucus have brought up day after day, week after week this spring since this government has been very prolific in its publication of propaganda throughout this province, we have seen, where there is no restriction at all, an almost unlimited amount of propaganda coming from this government sent to most households throughout this province; two pieces of literature that I would say any politician

would be very proud to produce as campaign literature, quite frankly. It is very well done, very professionally done, and it was very expensive; very expensive not only in its production but also in its distribution.

Yet there are no laws in governing the distribution of this. In fact, what's interesting about this, of course, is that it is not the expenditure of a political party. This is you and I, ladies and gentlemen, right across the province paying for this stuff through our taxpayer dollars. That's what's happening there and, quite frankly, we think that's wrong.

We think a political party is within its right, obviously, to be spending money that is raised through the political process to try to convince people that what they're saying is correct, to communicate to people the pieces of legislation, the reforms that they would like to make in Ontario, as they see it. That's a legitimate part of the process. But it seems month after month we are getting a proliferation of propaganda from this government that continues to flow at taxpayers' expense. I'd say to the government members, who seem to be very quiet over there right now, that this is something that a lot of Ontarians would be very pleased to see you tackle, especially now that you're in government. Now would be the time to do it. I think hats would go off to you to do that for sure.

These so-called reforms, changes in our election law, are about money, about spending more money, spending money to convince people to support a government. When you look at what's going on in the political process right now, this government certainly has catered, and in fact they have not denied that, to the more affluent influences of this province. Through their very large fund-raisers, they have coffers that are overflowing with dollars. I imagine they were scratching their heads in the back rooms a few months ago, asking themselves: "Gee, this is so great, we've got a lot of money, but how in the heck are we going to spend it? Our law doesn't actually allow us to spend all this money that we've been able to raise."

The answer, of course, would be just to raise those limits. "Why don't we do that? Why don't we raise the amount of money that we can spend both at the party level and at the local level? Not only could we raise the limits, but why don't we exempt some major expenditures that are very crucial to modern, high-tech electioneering such as polling, which is very expensive?"

**Mr Bradley:** Who said that? Tom Long

**Mr Ramsay:** I think it was Tom Long, probably, who advised —

**Mr Duncan:** Or Leslie Noble.

**Mr Ramsay:** Or Leslie Noble — who advised the Premier and the Chair of Management Board that: "This would be another way that basically we sort of," as they would say in government, "take this off book. We could just take some expenses and not have to report them at all, and then we could really let her rip." That's what's happening: They're letting election expenditures rip to infinity, because these areas are not going to be reported at all.



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What that means, really, in planning an election — and a lot of it would be called pre-writ, before the election itself actually starts — or right through the election, is to be able to spend up to millions of dollars. Quite frankly, it's very easy today to spend millions of dollars on political polling, to basically take the pulse of the people of Ontario. The way polling works today with daily polling, you do these rotating polls day in, day out, starting months before the election and rolling right up through the election. This is the way to do it, and if you've got the money you can have a handle on what every Ontarian is thinking on a day-by-day basis. That's how politics is working today. Of course the advantage of that is to be able to tailor that message to fit exactly what the electorate would want to hear. That's a tremendous advantage.

One of the new techniques this is allowing involves polling also, but polling has changed. In the old days, polling was asking people what they thought. But there's a new type of polling, called a push poll, which actually in a way is campaigning, is advertising. It's not only advertising, it is actually pushing propaganda in a most sinister way, because while it appears to be a traditional poll asking questions, you can couch the question in such a way as to suggest the answer, or to suggest an activity is going on that may not necessarily be going on. You can plant those sorts of ideas in people's minds. What you've done through the new technique of push polling is now given unlimited, unbridled access to this sort of advertising propaganda with no election expense cap on that at all. Now polling, rather than just being a tool, becomes a weapon, and that weapon is being unleashed because there is no longer any financial cap on it.

That scenario is a far cry from the election that I'm talking about, the elections that I run, have run for four times so far and will do again in the next election, whenever it is called, and that is to make that personal contact with as many of the electors as possible in the riding, as it's going to be called, of Timiskaming-Cochrane.

This is really quite embarrassing for all of us. It smears all of us as politicians that at a time when my local hospital is being severely cut, when people in my riding unfortunately depend on social services because there is just not the employment in northern Ontario that there should be, when these people are being cut, when these critical services are being cut, this government is saying to all the politicians in Ontario: "Go ahead and spend money on getting yourself re-elected. Spend as much money as you want." It's going to be almost unlimited now. Boy, that's wrong.

Again, it's like we've heard lately, the politicians basically voting money for themselves. That's what we're seeing here at Queen's Park. This is probably the very worst. This is voting more money for ourselves to keep ourselves in this job. Those who can raise the most and spend the most will probably be the most successful. That's rather sad, because politics is moving away from that sort of activity of personal touch, of personal contact that I described, how elections go on in most of the regions

of this province, to more of a Madison Avenue selling of the candidate, the party, an idea like a bar of soap. That's where we're moving and that's very sad.

We look at our neighbour to the south. Those of us interested in politics of course are very interested in American politics. In most of those areas, in techniques and campaigning methods, they lead the way in the world. They have the most money and they have the most modern, most highly sophisticated technological methods of campaigning. We look, sometimes with envy and sometimes with disgust, at how mechanized and how technologically sophisticated it has gotten. With that, it has gotten very distant from the people, unfortunately. As I said, we are now selling ideas, flogging them like a bar of soap, and that's rather sad.

But this now is what this government is heading towards. In fact, what they've done, with the money and with the campaign period being shortened and with loosening the restrictions as to when advertising during the campaign period can begin, is really gone down the road of Americanization of our elections. That gets us further and further away from that personalized election campaigning that has really been the hallmark in this country.

With the greater size of our ridings now, with the riding redistribution that happened last year, which takes effect as of the next election, those of us especially in rural northern Ontario find our ridings are now doubled in size, maybe double the number of voters we have to contact. Why in that case would you now shorten the length of time it would take a person such as myself to get around during that shortened period to meet people? I have less of an opportunity to do that.

What the government is basically saying is: "Don't worry about meeting people directly. Don't worry about debating the issues, forcing people to take a look at the various issues that are out there and engaging them in debate. Forget about that. All you've got to do is get some boys and girls there in some of these smoky back rooms and get the best Madison Avenue advertising firm you can and plan a most incredible, modern TV campaign to reach out to everyone. We're going to give you the money to do that and you can sell that platform, that candidate, like a box of laundry detergent."

That's where we're going. The more we go down that road, the less important it is for the voter to come out to the all-candidates' debate. In ridings such as mine, every community has an all-candidates' debate, usually sponsored by a community group that puts it on. Sometimes they're broadcast on the radio station, sometimes not, but there's usually very keen interest in that and people come out because they want to hear the views of all the candidates.

In my area in the last couple of elections we've had at least five candidates in those elections, not just three from the major parties, but usually candidates from other parties also. People get highly and intensely engaged in those campaigns and they do come out. They come out in the winter and they come out in the spring or summer. They'll come to a community hall and they will not only

come out to view and observe an all-candidates' debate, but they will take part in that. They will engage the candidates in political debate. I think that's the way of democracy. But this government, while it on the one hand talks about trying to be closer to the people, trying to restore democracy, is basically downsizing democracy, just like they're downsizing everything else.

I know this government just loves these fancy titles for bills, very truncated, long-worded titles for bills, and I think this bill probably should be titled "An Act to downsize democracy by giving advantage to those who raise and spend the most dollars," because that's exactly what this bill is about.

It's also interesting to point out that there is tremendous frustration and resentment today among the electorate. I had this expressed last Thursday night while I was in a town hall meeting on Lands for Life in northern Ontario. Maybe democracy today only exists one day every four years, that being an election day, when people can actually go out and vote for whomever they wish. They can toss out a government, they can bring one in, but then after that, governments tend to do what they wish to do during that four-year mandate.

While as an opposition member I will argue strenuously, as we have — you can tell by some of the demonstrations we've had in this House over Bill 26 and other bully bills brought forward by this government — still in the end however badly I object to some of those things you've shoved down our throats — there's the Toronto bill and the bully bill, Bill 26, that brought all the downloading and the amalgamations — you have won the democratic right to bring those things in. I wish you'd engage this House and the people of Ontario, through your mandate, in discussion, and try to bring about consensus to bring the change that you wish, but I suppose in the end you still have that right, because you were elected, to shove those things down our throats, whether I like it or not.

2030

But I think it's a very different matter to unilaterally change the election law, to actually set the rules to your advantage. Doing that is now challenging the very foundations of democracy. As I said, it is one thing to shove your ideas down our throats; you do have the majority of members. But to break the tradition of this House — to have representatives, as the member for Windsor-Walkerville was our representative, sit around the table with the two other parties to hammer out, not always getting your own way, but to hammer out an agreement as to how election law should proceed in this province with the consensus of all three parties is the fundamental tenet of democracy in this country.

The Mike Harris bully government has broken that. They are bullying the Legislature again, bullying the two opposition parties, and writing up election law they way they see fit, to their own advantage. That is absolutely wrong. While I am here to represent everyone in my riding and I do that to the best of my ability, I feel I have a special responsibility to stand up for those who cannot

stand up for themselves. While I am also charged with representing the interests of people, and I unfortunately have very few of them in my riding, who are very affluent, very powerful, maybe through their profession or their industry, they certainly have the ability to represent themselves very ably.

But there are many, especially in a riding such as mine, Timiskaming, in northern Ontario where there is still 13.5% unemployment in northeastern Ontario. In my riding it's closer to 23% or 24% with an average industrial wage under \$25,000 — very different from some of the ridings the colleagues across the way represent. I have a special responsibility to speak up for the needs of those people, the vast majority of the people in my riding. Those people don't have a lot of money to give to political parties. In fact, most of those people can't afford to give any money away to a political party, to a politician, because their full-time job is being charged with taking care of their families and themselves. They don't have that luxury, which is a right but also a luxury, to donate that money.

They don't have the power to influence the outcome of an election. They just have to hope that there are enough candidates out there speaking for their family's needs and their needs that would represent them. I hope that I can find the means elsewhere to mount a campaign so that I can speak for them, because they can't contribute to it. But in ridings where there are people with a lot of means and a lot of industry, a lot of manufacturing plants and mills, those businesses and individuals will now have the right to give \$1,000 to an individual candidate and \$5,000 or \$10,000 to political parties, up from the \$4,000 cap there was before.

Just as we're seeing in society today the rich getting richer and the poor getting poorer, what this bill does is make the rich even more powerful now in our democracy. It gives those that have the money, that have the luxury of being able to contribute to the political process at the upper end of the limits — which is thousands and thousands of dollars, in some cases, almost as much money as some people are trying to live on — a tremendous advantage. That's wrong. That is absolutely, fundamentally wrong.

What it does is no longer make this a level playing field. It's giving advantage to those that have money and therefore the political views favoured by those people that have money are going to be the views that prevail, because in the end the money will prevail. The group that spends the most, is able to hire the most effective Madison Avenue advertisers, that's the party that's going to prevail. It is going to be those views that prevail. That means the most affluent are going to get more tax cuts. That means that the marginal working poor, who have probably the most ignored family situation in our society, are not going to be removed from the tax rolls as they should be. The working poor should be freed from that tax burden so that they, in their struggle, can keep as much money as they can to keep their household together, their family together. That's what's going to be important.



But who in an election campaign will have the ability, through the donations, to really speak for them, or if there are some such as myself and my colleagues who will be speaking for them, will our voices be heard? Will our voices be drowned out by the big-money voices, by the big, powerful ads, because I won't have the big media buy in my area? I will not be going down, as it would be nice to do, I suppose, to the local television stations and the northern networks to say, "I want a big media buy through this vast 700-kilometre-long area that I hope to represent next time." I'm not going to be able to do that. I'm going to be running around door to door trying to meet people and going to those all-candidates' debates.

A candidate with a lot of money can go and do those media buys and saturate the airwaves. Another advantage that the governing party is going to have is that in this system they and they alone will know when the election is going to be called. They will decide that. So in advance, since in the next election we can start putting the ads on TV much sooner, and radio ads and newspaper ads, they will be able to purchase before we even know there's an election coming up, and through their ad agencies, make all the ad space purchases. They can buy up the very best space in the newspapers, buy up the very best time slots on television and radio stations.

They will be able to do that early and get all those spots done, because they know exactly when that's happening, where under present rules — I know people really appreciate this — we really can't start the advertising until the last couple of weeks of the election. When I talk to people, by the end of that final week towards election day they're quite sick and tired of that many ads anyway. But now, a very short period after the writ is dropped and the election is started, the ads will be able to roll out. They'll be able to roll out to newspapers and radio and television, and roll out they're going to, because the Mike Harris Tories are probably working on those ads today. They've got some of the cleverest people in North America.

**Mr Duncan:** They're running them already.

**Mr Ramsay:** My colleague says they're running them already, and that's true. They're doing a lot of pre-election spending, because they've got lots of money, and they're going to start to do that now.

They have tremendous advantages by being in government. That's our system and I accept that. They get to choose the date, but with that earlier starting date for the advertising campaigns in the election, they now have a much bigger advantage than a governing party that preceded them has ever had in the past. That's wrong. What's going to happen is that big money is going to take over the governing of Ontario, and the party that purports to take care of big money is the party that's going to continue to win.

Those voices out there of those who are powerless, who are really struggling to survive, are going to be less heard in Ontario; the voices that have the money behind them are the ones that are going to be heard the most. That's really sad. That is certainly going to affect the outcome of

campaigns in the future, and as we walk down that road of American campaigning, it's really going to change the face of democracy here. It's going to move it to a more depersonalized, mechanized, high-tech process and remove it from the people contact of the past. There will be less time to make that contact with people, and with the amount of money candidates are going to be allowed to spend, that money is going to go into the very newest and most high-tech propaganda tools that are known to humankind and that money can buy. That's the type of election we're going to see, not just way down in the future but the very next campaign.

This bill that is before us is here to be passed before the end of June. This government wants this ready just in case they want to call an election this fall. I know they are looking at a window of opportunity there as a possibility, but probably not a window they'll take. It's a window I wish they would jump out of, but they don't want to. It will probably be next spring. But this law is there, ready for the spending of more money than the people of Ontario have ever seen spend.

What's also interesting about this that a lot of people don't realize is that it means more taxpayers' money being spent because of the whole tax credit system that funds 50% to 75% of these donations, so it is going to cost the taxpayers money. That's why, for all those reasons, we are very much against this bill.

#### 2040

**The Acting Speaker (Mr Gary L. Leadston):** Questions and comments?

**Mr Pouliot:** I certainly welcome and echo the sentiments expressed by the members for Timiskaming and Windsor-Walkerville. They are right in this instance. Beware. This is in fact the last straw. It's come full circle. You will now be entitled to spend twice as much, or approximately thereof, as is the case at present on your central campaign.

Picture this: straight from the United States of America, an ensemble, a conglomerate, a cocoon of right-wingers working in a field, under a climate where it's winner take all, the power of the purse. If we're not careful, if this comes to pass — they will use their majority muscle one more time to make it pass — if you're not rich, you will be hard-pressed to be re-elected or to become elected, unless you are a puppet of the rich and your masters will call the shot, because if you're an ordinary person with a run-of-the-mill riding association, you cannot match this kind of money.

Our only recourse, our only hope is the vigilance and the determination of each and every voter in the province to see through this scam. This is indeed the last straw. This time they've gone too far. Democracy should not be the result of the ability to control and, quote, to buy the will of the electorate.

**Mr Grimmett:** I'm pleased to make some comments on the speeches by the member for Windsor-Walkerville and the member for Timiskaming. First of all, I thought it was kind of strange that they made such a big issue out of the matter that we're speaking about this evening. I would

have thought that the local press in my riding followed the debates in the evening just as well as they do in the daytime. I know they pay close attention to the debates on television, both in the evening and in the daytime. I thought it was perhaps a little insulting to the Queen's Park bureau that they might not be watching the debates in the evening.

On some of the more substantive issues they raised, I want to thank the member for Windsor-Walkerville for his note that he sent over earlier to me. I didn't follow his advice, but it was certainly appreciated. He indicated that the idea of reducing the number of days in the campaign from 37 to 28 had come out of nowhere, but in fact it came from the chief election officer who said to us, said to the government, "You can save \$10 million if you eliminate the nine days for enumeration," so 37 minus nine equals 28 days. That's where we came up with the 28 days; it came from the chief election officer.

The other idea the member for Windsor-Walkerville wanted to debate was the issue of whether he had encouraged us to go to the federal limits. Just so I don't make any error, I will read the letter that the member for Windsor-Walkerville wrote to the then deputy government House leader:

"I'm writing in regard to the changes to the Election Finances Act proposed by the Commission on Election Finances. Dalton McGuinty has asked me to take the lead for the Liberal caucus on this issue. The government argued quite strongly during the debate on Bill 81, the bill that eliminated 27 ridings, that if the federal ridings were good enough for the federal government, then they were good enough for the provincial government" —

**The Acting Speaker:** Thank you very much.

**Mr Sean G. Conway (Renfrew North):** I want to commend my colleagues for their remarks. Put very bluntly, what we have in this legislation is the government unilaterally changing the rules and firing the referee. Since the issue is campaign financing and the way in which we organize elections, this is a matter that I think ought to give some very real pause to everyone in the assembly.

I spend some time watching American politics. Theirs is a diseased democracy and the cancer that's killing American politics is money, big money. In fact I've been sitting here the last hour reading the last two or three issues of the New York Times and every bloody day there's another editorial about the pernicious effects of big money in American politics, a complaint that citizen politics is being replaced by big-money politics.

The tragedy in this, I say to all honourable members who put themselves, their personal integrity and their families on the line, is that in the end it is your integrity that is going to be compromised here. When I first came here 23 years ago, the assembly was beginning to deal in a positive way, under the leadership of people like Bob Welch, with trying to clean up the problems of an earlier time. I think real progress was made. I certainly agree the change needs to be made from time to time.

But the tragedy for me is that for all of us who come here it's our reputation, it's our integrity that's on the line.

I've been around this business long enough to know that at the end of the day in big-money politics a lot of very good people and their reputations are ruined, not because their intentions weren't good, but because some of their agents got over-zealous and it was their name and their reputation on the front page of the Globe and Mail or someplace else.

**Mrs Marion Boyd (London Centre):** I want to take this opportunity to comment on the speeches from the member for Windsor-Walkerville and the member for Timiskaming. I want to point out that I too am shocked that this doesn't appear to be a central issue for the electorate, and would agree with your concerns around the way in which it was brought forward, around the lack of consultation, around the insistence of the government that this be pushed through in a time frame that doesn't really enable the electorate to think very clearly about the long-term effects of a bill like this on their ability to exercise their democratic rights within the province.

It is indeed a real concern that this government with this bill and with so many other of its actions has shown real disregard for the democratic process and has shown itself willing to risk the efforts that have been made to clean up the whole aspect of money as a form of trying to exercise power within the political sphere.

The more we can continue to alert people to the ultimate dangers of a bill like this, the crass political opportunism we see on the part of the government in pushing forward a bill like this at a time when they alone can benefit from such a thing and are responsible for really taking to a new low their whole treatment of the democratic process — I thank you for exposing that on your behalf.

2050

**The Acting Speaker:** Response, the member for Windsor-Walkerville.

**Mr Duncan:** My colleague from Timiskaming I felt put the issue in its best context of the night when he talked about what this means back home, whether it be in a rural northern riding or whether it be in a large urban riding in the south. It is about money and it is about a changing playing field. It's about moving from a system where we choose candidates based on personal contact, based on all-candidates' debates, into an era where advertising and money mean more than a thought, mean more than a deed.

What this bill means overall is it stacks the deck. It gives a government, particularly a government that has no compunction about raising money, a government that allows situations like the Niagara casino to happen, a huge advantage that the opposition parties simply can't meet.

As the leader of our party, Dalton McGuinty, said, this is about the Americanization of our system. This is a seat sale. It's about buying elections. It's about unfair advantage. It's about what we're all about, and it's unfortunate that this government's all about money. It's unfortunate that they don't want to work on a consensual basis. But I guess we ought not to have been surprised by that. We've gotten used to it by now.



This piece of legislation will pass this House. The government will have its advantage. The government will buy even more advertising than it is now. But all the advertising in the world won't save this government from its ultimate accountability, and Dalton McGuinty and the Ontario Liberal Party are not going to let you forget this bill, nor will the people of Ontario.

**The Acting Speaker:** Further debate? The member for Algoma.

**Mr Wildman:** Before I begin, I'd like to ask for unanimous consent for our party to defer its leadoff, as the critic responsible, the member for Hamilton Centre, is not present.

**The Acting Speaker:** Unanimous consent? Agreed.

**Mr Wildman:** I appreciate that from my colleagues.

I rise to participate in this debate because I believe this to be a very important debate, one that's central to our whole system of government. I don't want to over-dramatize it, but as someone who has gone through seven election campaigns in this province and has seen changes from time to time in the electoral process across Ontario, I really think it's important for us to try to put this bill and these changes in the context of what is central to our political system: the ability of citizens to participate in the political process by choosing candidates, choosing policies, and making decisions about issues that are of importance to them individually and collectively across the province. So this is really central to our political system and I believe it to be a very important debate.

It's not just about how much it costs to put the electoral machinery in place. It's not just about who can contribute and how much, although that is important because that in itself is part of citizens' participation in the electoral process. It's more about what we value as Ontarians, as citizens of this democracy, about citizen participation in the political process. I think it is a very important debate.

There was some discussion earlier this evening about whether or not the media really was interested in this. The media has written stories about this and so on and I value the role of the fourth estate in our political process. They play a very important role of raising issues, publicizing, informing the public and so on. They play a very important role, a non-electoral role but a very essential role in our political process. But I'm not surprised if they may not be paying too much attention this evening. After all, it is prime time, it is after the normal working day.

I think in some ways the changes, particularly the mechanical changes, may seem to many people somewhat arcane and not particularly related to their experience as citizens. I think that may be one of the reasons why there may not be significant interest in this particular debate, even though I see it as central to the political process in Ontario.

I look at Bill 36 and I'm concerned about the content of the bill. I'm also concerned about the process that has led us to this debate. Again, though, I want to put it in some context. I've observed over the years that in democracies like ours, unfortunately, oftentimes citizens don't become involved directly in the political process unless they come

to the conclusion that some issue or some policy is going to directly affect them or their families or their community. I suppose that's natural and understandable. But very few actually take the position that whatever change occurs in Ontario, however remote it may seem, in one way or another affects them and their community.

The other thing I find most alarming, as someone who believes in the political process and has participated in it for most of my life, is that where democracy is not usually threatened, citizens, people, tend to take it for granted. We've seen a decline over the years in voter turnout in election campaigns. As we talk about the Americanization of our system through this process, one should keep in mind that turnouts in American state election campaigns and congressional election campaigns are very poor compared to ours. It's not something that we who care about democracy would want to emulate.

It's interesting that other parts of the world that have not enjoyed the democracy that we have don't take democracy for granted when they finally achieve it. One just has to observe the occurrences in eastern Europe to understand how important it is to most of the people living in those new emerging democracies to be able to participate in the political process, to be able to influence political decision-making and political decision-makers. They don't take it for granted.

As someone who has visited the most populous nation in the world a couple of times and has a tremendous interest in that area, partly because my little girl comes from China, I'm struck by the image of the young man standing in front of the tank in Tiananmen Square that we all saw in that photograph, and sometimes wonder if many citizens anywhere, but certainly in a democracy, would see the chance to participate politically as seriously as that young man did. None of us know what ever happened to him nine years ago in Tiananmen Square.

**Mr Ted Chudleigh (Halton North):** They don't have democracy.

**Mr Wildman:** No, they don't have democracy. That's why I wonder — I hope the member understands I'm not being partisan when I'm talking about this. The fact is that in a country where they do not enjoy democracy, those people who are concerned about democratic issues take them very seriously. Unfortunately, in a society where we do enjoy democracy, many citizens do take it for granted and don't participate. Why we would want to emulate our great democratic neighbour to the south, where political participation is even less than ours, I'm not sure.

**2100**

In terms of the mechanics of this bill, there are certain things in the bill that all of us who value democracy would want to support. Obviously there are some mechanical changes to the Election Act which are non-contentious, things like permanent voters' lists, eliminating having to have scrutineers go around in the first nine days of every campaign and make up new voters' lists. That's an old-fashioned, outmoded approach to collecting voters' names and addresses and ensuring that they're on the list. All of

us would support that change. It's certainly non-contentious.

There are other things: maintaining the advertising blackout period. There are reasons that was established in the first place. We accept that it should be maintained.

There's one of particular interest to me, representing a large northern riding that is going to be doubled in size so that it runs somewhere in the neighbourhood of 700 miles from one end to the other in the next election: the change in the northern spending limit, additional spending for six northern ridings from \$5,000 to \$7,000. That makes sense. The \$5,000 was established in 1975 and hasn't changed since. Obviously the value of \$5,000 in 1975 was considerably more than it is now, in 1998.

So there are things that we can all support here that are just mechanical.

The suggestion that there should no longer be third-party advertising within the blackout period has some resonance with me. I think that probably makes sense. I would hope we would have the chance to have discussion with the public and with various interest groups and people who are interested in the political process across Ontario to hear what their views are on that one.

I am concerned about the fact that the Supreme Court of Canada, in dealing with the federal election law, has been very sceptical of attempts to limit third-party advertising in the political process. I would hope this government is going to agree to have hearings on this bill so that we can get into that particular matter, because it is very contentious and raises all sorts of legal and constitutional issues that we should be exploring before we accept that change. But as I say, personally I have some sympathy with that change and I hope we have hearings about it.

There are other changes here, though, that are quite problematic.

It has been suggested that because the provincial electoral officer suggested we could have a permanent voters' list and would not have to have enumerations for the first nine days of every election campaign period, we could shorten the minimum election period from 37 days to 28 days. One does not follow from the other. Simply because we have a permanent electoral list doesn't mean we have to shorten the campaign period. When you consider that our ridings in many cases are being doubled in size — in southern Ontario the geographic size is increasing but it's not as problematic, but the population is. In some areas in urban southern Ontario, the population is going to be very large in these new ridings.

In northern Ontario and other parts of rural Ontario, the geographic size is unbelievable. The riding that I would be running in next time, Algoma-Manitoulin, runs from Killarney, which is south of Sudbury — it's a beautiful place — all the way along the North Shore, including all of Manitoulin Island, to Sault Ste Marie, not including the city of Sault Ste Marie, and then north all the way to Manitowadge and Hornepayne, and including Chappleau. It's an enormous area, and it's going to take time for all of the candidates from all of the political parties to get

around. In 28 days you would not be able to spend one day in each community in that riding, even in the larger communities of the riding.

The other interesting point is that the suggestion has been made that we should move to a media-type campaign in the modern day, an electronic type of advertising campaign. The point is, in a riding like that, there is no media outlet that covers even a large portion of the riding, much less all of it. In the southeast end of the riding they get Sudbury media, in the central part of the riding they get Sault Ste Marie media, and in the north end of the riding they get Thunder Bay media. There is no media outlet that covers the whole area. There certainly is no newspaper that covers the whole area.

It has been suggested that because the riding sizes are increasing to the same sizes as the federal ridings, we should therefore have the same spending limits as the federal. I suggest to you that doesn't necessarily follow, but again I would like to have hearings about this so that we can hear from the public, the people of Ontario, the citizens we represent, to hear what their views are about this before we make a decision.

I am very concerned, though, about not just the change in the contribution levels or the expenditure ceiling but about what is no longer counted. That is what is significant here. This bill takes polling and travel for the central campaigns out of the spending limits. It also takes out the cost of campaign headquarters from the spending limits. In a large northern riding, a very well off riding association could have headquarters in many, many communities and it wouldn't be counted under the total limit. I don't understand how the other side, the people who are in this House proposing this, can justify that.

The government has also suggested that all of these proposals were proposed by the commission. That's not correct. The commission did not suggest shortening the campaign period. And even though they justify what they are proposing on the basis of the commission's recommendations about expenditures and campaign ceilings, this bill proposes the elimination of the commission. How can you say, "We're only doing what this commission wanted and we want to put in place what the commission said," and then also say, "But again, of course, we're going to eliminate the commission"? Talk about having it both ways.

I think it is unfortunate if we allow the expenditures to be escalated to the point where we become like American legislators. I don't know a great deal about state politics, other than Michigan, which is neighbouring my area of northern Ontario, but I do know something about American national politics, and I can tell you that a congressman, again recognizing that a congressman has to be elected every two years, as soon as she or he is elected has to begin raising funds for the next election, and they have enormous amounts of money that they collect. In some of the large urban areas they collect millions of dollars.

The interesting effect of that appears to be, if you look at the history of congressional elections, that once a congressman is elected, it is almost impossible to defeat



that congressman. They are almost always re-elected. Even when there is a shift in the presidential election, congressmen get re-elected. Why? Because the challengers have a very difficult time raising the equivalent amounts of money required to really challenge the incumbent. That's what is alarming.

This bill, which is being brought forward unilaterally — and I hope the government isn't going to push it through, but it appears the government may be prepared to do that — gives the advantage to the incumbent, just as the American system tends to give the advantage to the incumbent. Incumbency is an advantage at any point in an election, but to make it so expensive to challenge the incumbent makes it almost impossible to defeat an incumbent government. That's what this is about. This is a government that has determined that it should remain in power, and it is not only prepared to make the argument in a campaign on the basis of policy, on the basis of program, but it is prepared to fix the operation to make it so it will stay in power. That is what is the challenge about democracy in this bill. That is what is alarming about this bill.

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All of us in this House are prepared to make arguments on the basis of ideas, policies, different approaches to resolving the issues. All of us should be prepared to have that exchange of ideas on as close to a level playing field as possible. There should not be any attempt by one party to tilt that field in their favour so that the others are always going uphill. Money has always been an important part of our election campaigns, but it should not become the most important thing and the central part of our political system so that all of those who participate are able to participate on the basis of their pocketbook rather than their ideas and their views.

Surely we must have hearings on this bill so that the citizens of Ontario can express their views before it becomes law. It should not be forced through on us.

**The Acting Speaker:** The Chair recognizes the member for Dufferin-Peel.

**Mr David Tilson (Dufferin-Peel):** I have comments to the member for Algoma on his remarks this evening. He has said a number of things, one of which is that he doesn't like the process, that he is concerned that there has been a consensus in the past, although I think that was on one occasion in 1986 —

**Mr Wildman:** Twice.

**Mr Tilson:** Twice. Two occasions. There are a number of other provinces where this process we're proceeding with is followed.

That's your view. Our side of the coin, of course, is that the Liberals and the NDP walked out of that process. They could say why they walked out, but the fact of the matter is that they did walk out.

**Mr John Gerretsen (Kingston and The Islands):** That's nonsense, absolute nonsense.

**The Acting Speaker:** Order. Member for Kingston and The Islands, you're not in your regular seat.

**Mr Tilson:** Whether or not you like the process, the fact of the matter is that this legislation cries out to be changed. We've all talked about the changes in our electoral process that need to follow. For the life of me, I can't understand why the member and other members in the opposition are spending so much time with respect to process. The legislation needs to be changed, and we're changing it.

The main argument of the member for Algoma and the other members of the opposition seems to have to do with money. They seem to be consumed with the issue of money. I know the Liberal Party is in debt. I know that. I know the NDP is having trouble. Both those parties are having trouble raising money. They seem to be attributing that whole issue with respect to this act. That has nothing to do with it.

**Mr Wildman:** You're being silly.

**Mr Tilson:** I'm not being silly. The member says I'm being silly. The fact of the matter is that if the public supports the philosophy of a particular party, they're going to support that party with people, with volunteers and with financial contributions. That's what has happened. The problem is that the public did not support the NDP's philosophy that came about in the last five years. In fact, they threw you out, and they do not support you. That's one of the reasons why you're having trouble raising money. It has absolutely nothing to do with the spin you're trying to give on this piece of legislation.

**Mr Michael Brown:** I appreciate the comments from the member for Algoma. As a northern MPP and as someone who has contested three elections, I am a little concerned — or more than a little concerned; I am very concerned — with what the state of democracy will be during a 28-day campaign through an area that is about the size of New Brunswick in the particular constituency that I presently represent, one that ranges from places from Killarney through to Manitouwadge and includes places like Meldrum Bay and even Coburn Island with its dear two residents. They deserve an opportunity to see a candidate seeking public office come at least into the vicinity during that election campaign. There will be and always are at least three political parties, sometimes as many as five or six, contesting the election, and I believe the public needs to have that opportunity. But the distance is roughly, so members understand this, like campaigning from Windsor through to Quebec City.

**Mr Klees:** How does the federal member do it?

**Mr Michael Brown:** The federal member does it in 37 days, not 28. That's how.

To me, it will be about media. It will be about selling corn flakes or detergent more than ever. It will not be about assessing the capabilities and the views of individual candidates. I think that is not in the interests of democracy. We have seen south of the border what the result is. The result is steadily declining voter participation in their elections; they are sad even compared to ours in terms of voter participation. We see fund-raising scandals daily in the American press, because it has become about

buying elections. Even people with the best of intentions are roped into by their surrogates.

**Mrs Boyd:** It's always a pleasure to have an opportunity to congratulate my friend from Algoma on his grasp of the real issues that come forward in this place. He was accused by one of the opposition members of being partisan in his remarks. I think if they are reviewed, people will realize that he was not partisan at all. He was really talking from his experience, his lengthy experience, about how elections actually work, particularly in the north, particularly where this government appears to have absolutely no concept of the difficulties that are involved in terms of running elections in the northern part of our province and, I would suggest, doesn't care very much because I think they obviously know that their actions give them very little opportunity to have electoral success there. So they've written it off in a lot of ways. Of course, as my friend pointed out, the ability of people to buy elections by tilting the scales in their own interest may indeed prove to make that prediction not true.

But I would say one thing to my friend from Algoma. I think he's right that incumbents have an edge. However, it's going to be very interesting for us in this coming election, when there are many incumbents who are contesting ridings with other incumbents, to see exactly how that all plays through. It's another issue around the kind of imbalance this particular bill is bringing to the situation that we ought to take into account, that in a situation like that, the number of dollars able to be spent has a much greater effect than it does in a normal circumstance.

**Mr Galt:** I compliment the member for Algoma on his presentation, well thought out and presented.

I do take opposition to some of the comments he made as it relates to the commission and its proposal. Wasn't it indeed the chief election officer who recommended the shortening by nine days? This was due to the permanent voters' list and it being therefore unnecessary to go through the enumeration process; we wouldn't have to have the enumerators going door to door in a process that really has not worked out very well in the past. Certainly the accuracy of the voters' list left a lot to be desired. I expect with a permanent voters' list it's going to be much better in the future.

I thought his comments were interesting comparing the American system and how difficult it is to beat a congressman and the advantage that he was referring to of an incumbent. Well, we did not see too much advantage to being an incumbent in the election of 1995. We did not see too much of an advantage to being an incumbent in the election of 1990. We didn't see too much of an advantage to being an incumbent in the election of 1985. This keeps happening. The incumbent currently in Canada — world-wide — really doesn't have much of an advantage. Maybe once upon a time they did, but that's certainly not what's going on now.

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I was really quite taken by the two-minute comment from the member for Dufferin-Peel about why the money

comes in, and I think he really has it in the right sequence here. The horse is in front of the cart, not the cart before the horse, in this instance. The popularity is there; therefore, people come out to the fund-raisers and are willing to spend to support a party that they believe in. You don't win elections because of the money; you win the election because of the support, and because of the support the funds come in.

**The Acting Speaker:** The Chair recognizes the member for Algoma.

**Mr Wildman:** I want to thank the members for their comments.

In response to a few of them, the member for Northumberland is incorrect when he suggests the commission did recommend the 28 days. That's not true. The chief election officer said they didn't need nine days for the enumeration of the permanent voters' list. The commission did not recommend the 28 days. In terms of the American experience, he will find that in those elections he mentioned, the number of members of Congress who actually went down is not very great; the percentage is not very great. Newt Gingrich has remained the majority leader even though the presidency has changed.

In regard to the member for London Centre's comments, I appreciate what she said, and the member for Northumberland also mentioned about incumbency not being a great advantage. That's true; it isn't. It may be 5% to 10% of the votes at the most, but how it may change in terms of —

*Interjection.*

**Mr Wildman:** With regard to my friend from Algoma-Manitoulin, both of us have a particular interest in a particular riding. He's quite right comparing it to Windsor to Quebec City; that's the distance of that riding. Just look at southern Ontario. There isn't any media that would cover all of that, so you can't have a media campaign, and in 28 days it is impossible to get around to every community.

I would just say to the member for Dufferin-Peel that our concern is that people and volunteers will not be as important, but rather money will be more important, and the process that I'm concerned about is that we will run into the problem of more, not less, influence-peddling in our political system, something which nobody desires.

**The Acting Speaker:** Further debate? Mr John O'Toole, the member for Durham-East.

**Mr John O'Toole (Durham East):** Thank you, Mr Speaker. It's a pleasure to see you in the chair this evening as the Acting Speaker, the assistant deputy whip.

It's a pleasure this evening to address and participate in the second reading of Bill 36, the Election Statute Law Amendment Act.

I have with me the report by the chair of the commission that was looking at it, Jack Murray, to the then leaders of the House. Of course, those leaders have since changed. I also have a copy of the bill with me.

I've listened to the issues being raised by the opposition and third party in the last couple of days, and I'm really in some dilemma here to understand where the problem is.



They like to imply and perhaps give the viewer a mistaken impression that we are the party of the rich. In fact, we are the party that is committed to doing exactly what we said.

I was looking at some of the research into this Bill 36 discussion tonight. One of the members of the committee at that time wrote our House leader now, and I'll quote for the record here part of that transcript, if I may, with your permission. I would like to quote all of it, because it's really quite a hoot when you read it.

The government argued quite strongly during debate on Bill 81. We all know that Bill 81 was the Fewer Politicians Act. We made a commitment, as you would know, Mr Speaker, going into the election to reduce the number of politicians to equal exactly what the federal members had. At that time it was 99. Of course, the federal Liberals bumped it up to 103, as they would be given to do. It was always our intention to match the federal and provincial boundaries, and for the right reasons. We were for less government. We promised less government.

To continue this on Bill 81 that eliminated or reduced the 27 ridings, if the federal ridings were good enough for the federal government, then they were good enough for the provincial government. Liberals asked, "If the federal expenses were high enough for the recent federal election campaign, why are they not high enough for the Mike Harris government?"

I'm pleased to share with the House that that's precisely what we've done, in a mode that's reminiscent of most of the things we've been doing recently: listening and responding.

How are we responding? I looked at some of the numbers from the most recent federal election, and of course there's really only one party federally. There are three or four on the other side, but there are 18,700 voters. If you take the amount of money spent, if all the parties had 301 candidates, it turns out there was an average of 60.5 cents spent for each vote.

If you go through the numbers, there were several proposals, as you know. The member would know that there were proposals brought forward — for instance, currently every member is entitled to spend 77 cents. That's what it works out to. The commission itself had recommended that it be \$1.40 per elector; we proposed 96 cents. If you take the 96 cents, that's what I would use, the same as my federal counterpart. A Liberal MP in my riding of Whitby-Durham is allowed to spend 96 cents.

What I actually spent in the last election was probably half that, and I would dare say most of the members here didn't spend anywhere near the limit. But there are large ridings in the north part, like Rainy River, that need the opportunity to have a fair and reasonable amount of money to get the information to their constituents. After all, that's what each and every one of us here want.

What are we spending? Exactly the same as the federal member would spend. That's my commitment to the people of Ontario: not one cent more, and in fact as much less as I can possibly manage.

All of this is very accountable. If you were to read the bill, everything that's spent is auditable, whether it's an amount that's equal for ads, for polling — all of that is auditable and reported and open and transparent so the public can see it precisely.

Of course, then we looked at the recommendations of what the federal spending limit would be at the central party level and what the central parties are spending at the provincial level.

**Mr Bradley:** Why are you increasing it?

**Mr O'Toole:** The member for St Catharines is barracking over there. I've heard that phrase used; I like to use it the odd time, respectfully. But we're going to actually be spending a little bit less. We've committed to 60 cents. That comes out to a total amount of \$1.56 at the central party level as well as at the riding level. That amount, by the way, is still less than the federal amount. I'm convinced that everything we're doing here addresses a number of the important changes.

There were a couple of times during Bill 81 that surprised me. Those watching this evening will know that Mr McGuinty is the Liberal leader of the opposition party. Many people don't know him, so I'm introducing him. He's not here this evening, but I am mentioning it respectfully. It's part of those free advertising dollars. During Bill 81, he was on for less government — that's his kind of approach — but he wasn't even here for the vote. I checked the record. He was not here for the vote, yet he's opposed to these things.

**Mr Wildman:** On a point of order, Mr Speaker, and I know my friend for St Catharines probably intended to raise this as well: As we all know in this House, it is out of order to comment on the presence or absence of a member.

**Mr Gerretsen:** How often is Harris here?

**Mr O'Toole:** Respectfully, because the member is not here, I'll withdraw, but it doesn't change the fact that he wasn't here.

**The Acting Speaker:** Member for Kingston and The Islands, cease, please. Member for Durham East, I acknowledge the point of order. You're not to imply that a member opposite or any member of the House is not present. I ask you to withdraw that.

**Mr O'Toole:** I withdraw that comment. I just wanted to make sure that I understand the issue —

**The Acting Speaker:** It is now 9:30 of the clock. This House stands adjourned until 1:30 of the clock tomorrow.

*The House adjourned at 2130.*

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		Yorkview	
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## LEGISLATIVE ASSEMBLY OF ONTARIO

Tuesday 16 June 1998

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mardi 16 juin 1998

*The House met at 1332.  
Prayers.*

### MEMBERS' STATEMENTS

#### LANDS FOR LIFE

**Mr Frank Miclash (Kenora):** My statement is directed to the Minister of Natural Resources, better known in northern Ontario as the Dan Quayle of the Harris government.

Minister, as you are aware, your government's so-called Lands for Life consultation process has failed. As one gentleman told you at a recent Tory fund-raiser in Fort Frances, "The whole idea should be scrapped."

Not only have you and your government refused to listen to northerners' concerns, it is now our understanding that the mess you have created with the Lands for Life process is about to get worse. As is your custom as the minister, you have managed to pit industry against industry and community against community with your process. You and your government have now gone even further by pitting northern Ontario against southern Ontario.

Your government promised northerners that their issues and concerns would receive recognition in your Lands for Life process. However, like most of your government's promises regarding the north, they are long on political gimmick and short on specifics and action.

Minister, you claim the process is fair and reasonable, yet the majority of those who live and work closest to the resources disagree. As I stated, even those who attended your fund-raiser in Fort Frances disagree with the process. Another contributor who attended went so far as to say: "You couldn't run the education system. Now you're going to ruin the woodlands."

Your government's Lands for Life process has failed. Now that the public has spoken, will you do the right thing and scrap the Lands for Life process?

#### RENT REGULATION

**Mr Rosario Marchese (Fort York):** Last night I was at a meeting at North Toronto Memorial Arena. There were about 200 people there. The subject of the discussion was the Tenant Protection Act, which in my view and the view of the 200 people who were there at the meeting is an assault against tenants.

Vacancy decontrol is one of the worst fears they have. That means that when a tenant moves into an apartment,

even another unit in the same building, controls won't apply and the landlord can offer the unit at any price they wish. There are no regulatory limits on how high the rent may be.

I want to remind you that in New York in 1971, when the Rockefeller administration ended the rent control they had and instituted vacancy decontrol, rents went as high as 52% on average. We can expect rents to go as high as that. It may vary from place to place, but there is no doubt in their mind that it will go up. No beneficial side-effects have resulted from vacancy decontrol. Major capital investment had slowed in that period when vacancy decontrol had been moved and new construction was unaffected, meaning there was no new construction.

The people at that meeting were quite adamant that when the next election comes up, the Tories are not the people they're going to be supporting. I say amen to that.

#### PHILIPPINES INDEPENDENCE DAY

**Mr Jim Brown (Scarborough West):** June 12 marked a significant milestone in the life of the Filipino Canadian community and in that of the Republic of the Philippines. June 12, 1998, was the 100th anniversary of the proclamation of the independence of the Philippines from Spain.

It was General Emilio Aguinaldo who led his famous uprising against Spanish colonial rule over the Philippines in the late 19th century. That struggle resulted in victory and freedom. That general declared June 12 Philippines Independence Day. Unfortunately, with the ascendancy of the Americans over the Philippines, the date of July 4 was substituted. However, on May 12, 1962, then-Philippines president Diosdado Macapagal declared that June 12 would become the official Independence Day once again.

In the words of President Macapagal, "A nation is born into freedom on the day when such a people, moulded into a nation by a process of cultural evolution and a sense of oneness born of common struggle and suffering, announces to the world that it asserts its natural right to liberty and is ready to defend it with blood, life and honour."

On behalf of the government of Ontario, I congratulate all members of the Filipino Ontario community on this important day. All Canadians join with you in celebrating your centennial of freedom and national self-determination. May your rich cultural heritage and deep religious faith serve to guide you during the next 100 years and always.

Mabuhay ang Filipinas.

## RENT REGULATION

**Mr David Caplan (Oriole):** I rise in the House today to mourn the impending death of tenant rights in Ontario. When this government's tenant rejection act is proclaimed tomorrow, another obstacle will be placed in the path of Ontarians seeking affordable housing.

After gutting this province's public and non-profit housing system, the Minister of Municipal Affairs will now be allowing landlords to raise rents to whatever level they can get away with. All of Ontario remembers that the minister didn't show up to listen to a single tenants' group during public consultations in 1996, not one.

In my riding of Oriole, 50% of my constituents will be forced to remain prisoners in their own homes in fear of rising rents. This government has ignored my constituents and it has ignored the half-million tenants across Ontario who will be in a similar situation. This government doesn't listen, but tomorrow Mike Harris will hear a message he cannot ignore when the Federation of Metropolitan Tenants' Associations marches on Queen's Park to mark the death of tenant rights in Ontario tomorrow afternoon. My party will be supporting them 100%. I am proud to stand with Dalton McGuinty and his commitment to repeal Bill 96 and restore meaningful tenant protection and rent control in Ontario.

It's a dark day for the province tomorrow, and I hope this government will see the error of its ways and restore meaningful rent controls like Dalton McGuinty and the Liberal Party have promised.

1340

## MY OCEAN CHARTER

**Mr Wayne Lessard (Windsor-Riverside):** In support of UNESCO's 1998 International Year of the Ocean, the Cousteau Society is requesting that we all agree to the following ocean charter:

"I agree:

"The oceans and the creatures therein are a necessary part of life on this planet.

"Maintaining the health of the oceans and the abundance of its fisheries, together with the wise and safe use of all its resources, must be accepted and honoured by governments so that future generations can enjoy the continuing benefit for all peoples.

"Understanding the marine environment and its living community is necessary for the stewardship of the oceans and the seas and for the making of decisions to protect and husband its resources.

"We must work together to succeed; within countries people can influence ocean policies if they act together; internationally, countries should help their neighbours and accept regional policies and actions; countries having the knowledge and resources should assist less fortunate nations; data and information on the oceans should be readily exchanged; international and intergovernmental organizations should be used to generate global programs and agreements.

"I promise to remember my ocean charter, in my treatment of the oceans and the waters that flow into the ocean, in my work and in my play and in the decisions that I make."

I urge all members to agree to that ocean charter.

## CATHERINE DAVIS

**Mr Doug Galt (Northumberland):** Tonight TVOntario will be holding its seventh annual Teachers' Awards ceremony at the Enoch Turner Schoolhouse in Toronto. These awards are given to teachers in Ontario who develop creative and innovative programs that can be used in teaching their students. The Honourable Dave Johnson, Minister of Education and Training, will also be on hand to recognize these outstanding teachers.

I'm extremely pleased that Ms Catherine Davis from Alderville Student Services has been selected as one of three teachers in the province who will be receiving an award. Catherine is being honoured for her efforts in setting up an education program to meet the special needs of the children of the native community of the Alderville First Nation.

With the help of government agencies and the local community, Catherine has set up a resource library, a study centre, a hands-on visual centre, a day care preparation program for preschoolers and an early intervention child care program for children at risk.

In her community, Catherine is described as someone who "teaches from the heart."

I sincerely congratulate Catherine on winning this teacher's award and for her making a significant contribution to her school environment and to her community.

## MEMBER'S CONDUCT

**Mr Gerry Phillips (Scarborough-Agincourt):** I rise to object to the latest bully tactic by the Harris government. On June 3 a secondary school principal in Scarborough sent a communication to his community. It was, in my opinion, a balanced and reasonable communication outlining his concerns about what would happen to his school with the Harris cuts.

On June 8 the principal received what I regard as an intimidating and threatening letter from the member for Scarborough East, Mr Gilchrist. I will quote a few things that Mr Gilchrist threatened the teacher with:

"With this latest piece of political propaganda, full of half-truths and misinformation, you are continuing to mislead the parents and students of your school. This cannot be allowed to go on.

"I cannot support a school which is run by a principal who uses school property and letterhead in order to frighten students and parents with lies. Therefore...I am considering the termination of the Gilchrist Scholarships....

"I cannot sit idly by while you go out of your way to undermine all of the improvements to the education system."



I regard this as another typical bully tactic by the Harris government. It cannot be allowed to go unchallenged. I call on the Premier to censure Mr Gilchrist, to demand that Mr Gilchrist apologize to this school and this school community for threatening and intimidating unnecessarily, in a typical bully fashion, this community.

### PHYSICIAN SHORTAGE

**Mr Gilles Bisson (Cochrane South):** I have here literally thousands of letters that were sent to both my colleague the member for Cochrane North and myself that reads as follows:

"If you lived in Kapuskasing" — and you can slash that out and put in any other municipality in northern Ontario — "what would you do if you were a parent of a child needing an emergency operation when no anaesthetist is available and air ambulance is already responding to another call? What happens to the patients who require the attention of a doctor regularly and have no family physician? How can five physicians survive when they must accomplish the workload of 14? Who will replace them when they are exhausted? Why must physicians work three times as hard in the north for the same remuneration as their colleagues in the south?"

More and more we're starting to receive letters like this from people who are really fed up with the situation of not being able to find doctors in their own communities. The government finally, after two years of saying they were going to do something and announcing money two years ago to put in place an alternative payment system, has finally negotiated an agreement with the Ontario Medical Association.

This government can't throw the problem off on the Ontario Medical Association. Where is the leadership of the government? Where is the involvement of the government that we need in order to solve what is a real problem all across northern Ontario, and that is the lack of family doctors and specialists? I call on the Minister of Health to pick up the ball, not just throw it over to the Ontario Medical Association, and be part of the solution, not part of the problem.

#### *Interjections.*

**The Speaker (Hon Chris Stockwell):** Member for Scarborough East, I don't know if you have a point of order. I heard you yelling something.

**Mr Steve Gilchrist (Scarborough East):** With the extent of the heckling coming from the other side, I have trouble hearing the speaker.

**The Speaker:** That was it?

**Mr Gilchrist:** That was it.

**The Speaker:** Statements, member for Hamilton West.

### JOB CREATION

**Mrs Lillian Ross (Hamilton West):** I'm delighted to rise today and announce that another 400 new jobs in Hamilton-Wentworth have just been created due to the booming economy in Ontario. Media Express Inc, a

customer service support company, is opening a major call centre right in downtown Hamilton. Media Express is a Montreal-based firm that supplies professional services to major companies such as AT&T, Cantel, GM, Canadian Tire and others. The company is scheduled to begin operations in Hamilton on July 5.

Attracting Media Express to Hamilton was a team effort. Special recognition should go to Mr Nick Catalano, director of economic development for the region of Hamilton-Wentworth. Nick worked hard with Human Resources Development Canada and our own Ministry of Economic Development, Trade and Tourism, who are always working hard to get Ontarians to work.

The hiring process has already started. I'm especially proud to report that members of Hamilton's youth and disabled communities are being given premier consideration for employment.

I would like to thank Media Express and all those involved with bringing these jobs to Hamilton. Again my best wishes for success in their venture. This is good news for Ontario, good news for Hamilton and great news for our downtown core.

### ANNUAL REPORT, INFORMATION AND PRIVACY COMMISSIONER

### ANNUAL REPORT, COMMISSION ON ELECTION FINANCES SPECIAL REPORT, PROVINCIAL AUDITOR

**The Speaker (Hon Chris Stockwell):** I beg to inform the House that today laid upon the table is the annual report of the Information and Privacy Commissioner for the year 1997, the 23rd annual report of the Commission on Election Finances for the year 1997 and a special report of the Provincial Auditor on the year 2000.

### VISITORS

**The Speaker (Hon Chris Stockwell):** I would like to inform the members of the Legislative Assembly that we have in the Speaker's gallery today the Provincial Auditor of Ontario, Mr Erik Peters. Would you please join me in welcoming him here today.

I would like to inform the members of the Legislative Assembly that we have in the Speaker's gallery today Theunis Botha, of the Gauteng Legislature in South Africa. Welcome, sir.

### SPEAKER'S RULING

**The Speaker (Hon Chris Stockwell):** On Monday, June 8, the member for Windsor-Walkerville, Mr Duncan, raised a point of privilege with respect to the advertisement for a request for proposal that appeared in the Globe and Mail newspaper on that same day. The Ontario Lottery Corp, seeking a supplier for mechanical spinning reel

slot machines, placed the ad. The member argued that the ad presumed the passage of Bill 16, which amends the definition of "video lottery" and "video lottery terminal" in the Ontario Lottery Corporation Act.

I have reviewed the advertisement in question, as well as the relevant sections of Bill 16 and the Ontario Lottery Corporation Act.

I am not prepared to go into what legal authority the Ontario Lottery Corp needs in order to purchase the slot machines in question, except to say that it is not at all clear to me that the passage of Bill 16 is necessary to allow such a purchase. Nevertheless, even if we agree that the passage of Bill 16 is required to allow the Ontario Lottery Corp to purchase the slot machines, in my view, there is nothing to prevent the corporation from preparing itself for the possibility that the bill will pass. As Speaker Edighoffer stated in a ruling on a similar matter, on December 20, 1989:

"It is perfectly valid for the public service to proceed with plans based on a bill that is already in the system in order to be able to act swiftly once that bill becomes law."

In my opinion, the Ontario Lottery Corp is doing nothing more than that. There is nothing to suggest that it has purchased slot machines; it is simply seeking proposals from potential suppliers. I find, therefore, that the member does not have a *prima facie* point of privilege.

1350

## ORAL QUESTIONS

### SCHOOL CLOSURES

**Mrs Lyn McLeod (Fort William):** My question is for the Minister of Education. You were forced yesterday to retreat temporarily from one of your most irresponsible, thoughtless and impossible policy directions. Yesterday you told school boards they didn't have to close schools by September 1 of this year. Boards knew they couldn't do it anyway, and it took you three months to understand that.

I want to understand exactly what you are telling boards today about school closures. I think you are sticking with your plan to have hundreds of school spaces declared vacant across this province and to cut the funding to heat, light and clean those spaces. I think what you're telling boards is that you're prepared to provide that money for one year only, and that then those vacant spaces have to be closed, that you are still going to force boards to close schools by September 1999. Minister, is that a correct interpretation of what you're telling boards today?

**Hon David Johnson (Minister of Education and Training):** School boards will make their own decisions on what is most appropriate for them and for their pupils. School boards have been opening new schools for many years; school boards have been closing schools for many years. For example, in 1986 — that's a year the member may remember well, when she was in the cabinet, or at least it was the Liberal government, the Peterson govern-

ment — 33 schools were closed in Ontario. In 1987, 31 schools were closed in Ontario. In 1989, another 25 schools were closed in Ontario. In total, when the Liberals were in power, there were almost 150 schools closed in Ontario. Where was the indignation, where was the concern for the schools when the Liberals were in power? Schools will make the proper decisions for —

**The Speaker (Hon Chris Stockwell):** Supplementary.

**Mrs McLeod:** If we want to have a little history lesson this afternoon, let me take you back to the very recent history of January when you took over 100% of the funding of school boards across this province, which makes you, and you alone, responsible for deciding how many dollars will be given to school boards to heat, light and clean spaces. You, and you alone, have forced a widespread closure of schools across this province by limiting the amount of school space you are prepared to fund for the students of this province. That has never happened in the history of this province.

Your memo of yesterday says very clearly that by December 31, 1998, next December, school boards have to decide which schools must close. That is your directive; it is not a board's choice. What boards now have to do in Halton, for example, is decide how they are going to close 10 schools. In Ottawa, they're going to have to figure out how to close 20 schools. In Niagara region, they're going to have to identify 35 schools for closure. In Toronto, it will be as many as 120 schools for the public board alone. Hamilton-Wentworth is going to have to decide whether to close a downtown Hamilton school so that they can build a new school in Waterdown.

Minister, that hasn't changed. By December 31, boards have to tell parents which schools —

**The Speaker:** Thank you. Minister.

**Hon David Johnson:** Again, boards will make the decision when they feel it's the most appropriate time, as they did when the Liberals were in power, as they did when Peterson was in power, and they chose to close 146 schools during that period of time.

In some cases enrolment is declining in certain areas and boards find that they don't need the same number of schools. Here in the city of Toronto there are some 80 schools that the school board has that are not being used for public school purposes at the present time, and some of those are vacant. The boards may choose to dispose of them.

But I'm also heartened to bring to the attention of the member opposite that many boards are starting to use this as an opportunity to open new schools, to get rid of the portables and get proper permanent space, like the school board in Durham: 12 new schools to get rid of a number of portables to assist their students. That's what we want to see under our new funding formula.

**Mrs McLeod:** They can of course only open new schools if they close the vacant spaces you've declared to be magically vacant.

Minister, two weeks ago the leader of our party, Dalton McGuinty, asked you about the school closures that you were forcing on boards. You said to him that day that he



should get his facts right. His facts were absolutely right. Now I tell you, it's time for you to get your facts right.

You told our leader that day, for example, when he was concerned about American publishers getting in on your textbook money, that there were no American publishers. The fact is, almost all of that money is about to go to American publishers of textbooks.

You told our leader that day that the Ottawa-Carleton board wasn't going to close schools. The Ottawa-Carleton board decided it couldn't close schools by September 1, and now you've understood why they can't, but they still have to close the schools. That hasn't changed.

You've had three months to understand what your cuts are forcing boards to do. You have arbitrarily cut the amount of school space you're prepared to fund for students to have a classroom. I know you can't tell us what schools will close, how many kids will be on buses or where they'll go, but will you at least tell us how many schools in this province will close because of your funding restrictions?

**Hon David Johnson:** I don't have a crystal ball to look into the future to see what decisions school boards will make across the province. I can tell the member opposite that during 1985-90 there were 146 schools closed in Ontario. I can tell her that as a fact.

The member references the Ottawa board. I did meet with the Ottawa board just a week or a week and a half ago and had a very good meeting with them. The Ottawa board has a set of decisions to make. Within the inner part of the city of Ottawa they have more capacity than they need, but in the outskirts they have many portables. That board is determined to come to grips with this, to provide proper housing. Our funding formula will support that, and they recognize that, but they've asked for a little more time to come to those conclusions.

That's what we have done. Through the announcement yesterday we have allowed boards such as Ottawa increased flexibility and time to deal with their parents and come to the proper conclusions.

1400

## MENTAL HEALTH SERVICES

**Mr Gerard Kennedy (York South):** I have a question for the Minister of Health. I want to ask you about a new development in mental health. Four years ago the province of Ontario gave an Amethyst Award to the Whitby Mental Health Centre because it ran a terrific program for innovation, diagnosis, treatment and education around psychotic disorders like schizophrenia. Yet despite that level of excellence, today we understand that a 25-patient inpatient program at the hospital is now slated to close.

Maybe you don't realize it, but for young people this is an essential program. One in 100 of the young people in this province is afflicted by schizophrenia and needs access to treatment like this. Without this, people are prone to end up on the street, to end up in jail. This is a fundamental program.

We want to know today, where is your commitment to mental health services if you're letting one of the best-recognized programs for young people — and, I should say, the second one within a month — shut down for lack of funding? Minister, will you tell us?

**Hon Elizabeth Witmer (Minister of Health):** As a government, we are, as you know, very strongly committed to mental health programs. In fact, several weeks ago our government made an announcement indicating that we were going to be spending an additional \$60 million to ensure that we could provide the support to people in this province who had mental health problems.

I will also say today that we have not received the operating plans for the Whitby Mental Health Centre and we have not been made aware of any reductions in service. In fact, no reductions in service can ever take place without the approval of the ministry. So this is news to us that something is going to be closing.

**Mr Kennedy:** You provided the preliminary budget allocation. Your officials have been involved in terms of the response of the Whitby centre. They have a \$1.5-million shortfall.

Let me just emphasize, Minister, this is not something for you to wait around and read in the papers. Janice Wiggins from the Schizophrenia Society says this is a unique program that people are using right now to a 95% capacity. This is not a program sitting around waiting for people to treat.

Minister, the Schizophrenia Society says quite bluntly to you that lives are at stake. I want to know what you're going to do proactively to deal with the \$1.5-million shortfall, which everyone else seems to know about, coming out of the Whitby Mental Health Centre that is needed to sustain this program to keep essential psychiatric services for victims of schizophrenia and other severe psychotic disorders. We'd like to hear from you today.

**Hon Mrs Witmer:** As I said, we are very strongly committed to mental health services and providing the appropriate support. That's why we made the \$60-million announcement. As well, as you know, my parliamentary assistant, Dan Newman, did a thorough review of mental health services in Ontario and certainly the indication is that we need to continue to develop a comprehensive plan.

We also put a moratorium on the closure of any psychiatric beds until such time as all of the community services were in place. In fact, last week I indicated to Mr Gravelle that in his community the facility would not be closing unless those services were in place.

I would say to you again, we have not received the operating plan from the Whitby Mental Health Centre. We will continue to provide the funding because we believe those services are certainly needed. No services can be eliminated unless we give the approval of the Ministry of Health.

*Applause.*

**Mr Kennedy:** I hear some scattered applause from your back bench, but I would suggest to you, Minister, they're out of touch just like you've proved yourself to be.

What people want from the Minister of Health is a response —

*Interjections.*

**The Speaker (Hon Chris Stockwell):** Hold on.

**Mr Kennedy:** Minister, the people of the province are tired of hearing about your studies, tired of hearing about your maybes and would like to know what you are specifically going to do to ensure — last year you underspent your budget for mental health hospitals by \$13 million. If there was a sufficient amount of concern and awareness and ability on the part of your ministry, they would be proactively dealing with this facility, with another 25-bed facility that may be closing down.

As the Schizophrenia Society has said, for a number of people afflicted in our society this is a matter of life and death. It deserves to be treated with alacrity, with respect and with some definite answer on your part. Will you act today to ensure that this facility will not close because of your cuts and the shortfall it's facing of \$1.5 million, so that there can be this essential service for Whitby Mental Health Centre? Will you give us that assurance?

**Hon Mrs Witmer:** It's very important that we always make sure we have all of the information. I would just tell the member again that we have not received the operating plan from the Whitby Mental Health Centre, so there is no indication at this point in time of any reduction in service. We will always, as we have done in the past and as we are doing again today, continue to meet with hospitals. If there ever is a reason that more additional funding needs to be provided, we've done so. As I say, we've added \$60 million recently to the mental health budget in response to the needs that we know are there. The Whitby Mental Health Centre actually got \$270,000 as part of the \$60 million so they could have a new assertive community treatment team. We are continuing to make investments into mental health.

**The Speaker:** Answer.

**Hon Mrs Witmer:** If there is an issue here, obviously the administration of the health centre need to be sharing it with the Ministry of Health and making us aware if there is an issue. But at this point in time —

**The Speaker:** New question; third party.

#### CHILDREN'S MENTAL HEALTH SERVICES

**Ms Frances Lankin (Beaches-Woodbine):** My question is to the minister responsible for children's issues. Minister, on May 13 the Premier promised that your government would act on the serious shortage of services for children with mental health disorders. On May 13 the Premier, in response to my question, also put you in charge of coordinating that, of working with the Minister of Health, the Minister of Community and Social Services, and with me and others to take action to improve the coordination and accountability of the government for service provision.

Nothing has been done. You haven't called a meeting. You haven't contacted me. You haven't contacted others. But what's critical about that is that in the month since

that commitment was made, the erosion of services for children suffering with mental illness has continued.

In addition to losing children's mental health services at Sick Kids, today we hear about Whitby Mental Health Centre. All of this is happening because there is an inexcusable lack of coordination across community and hospital services, a lack of funding and no direction to the facilities forced to make these decisions.

Minister, why have you done nothing on this since your Premier gave you this direction?

**Hon Margaret Marland (Minister without Portfolio [children's issues]):** I'm certainly glad to have the opportunity to respond to this question. This is a very serious subject for all of us and our government is very concerned about the mental health of children in this province.

The reference the member for Beaches-Woodbine just made to the Whitby Mental Health Centre — that question was just answered by the Minister of Health. In fact, to date the ministry has not received the hospital's operating plan and has not approved these changes, so that, as far as we are concerned, is not happening, as an example.

To directly answer the question, I have been meeting with both the Minister of Health and the Minister of Community and Social Services on this matter. The commitments that the Premier made to the member for Beaches-Woodbine stand most affirmatively and we are moving forward in the direction that this minister asked for.

**Ms Lankin:** Minister, the reason that 40 children at Sick Kids, plus the 25 at Whitby, are losing their program is quite simple, and I'll quote from the coordinator and director at Whitby with respect to that: Over the last two years your government has cut \$20 million in funding from Sick Kids' budget. At Whitby Mental Health Centre you added 40 forensic beds to get out of one public relations disaster, but you didn't fund those forensic beds and now they're having to make the tough decisions.

What I want to say to you is that the real crime in all this is that while your overall funding decisions are made here, there's no one looking over the shoulders of facilities to take a look and see what the overall impact is on kids. The Health Services Restructuring Commission said that these services should be added to, not deleted, not moved; that more should be added. You've not taken steps on that.

Do you have any idea what this costs the families involved? Most of them have been to several doctors and in several programs before they found something that worked. Now they're losing the program that has given them hope, has allowed them to cope and to live with their kids. Where are they supposed to go now, Minister?

**Hon Mrs Marland:** I think it's important for us to realize in this House that the commitment by this government to children's mental health, along with other services for children, is far greater than had been made by any previous government in this province. This is the first government that has ever had a minister for children in the history of this province.

I would like to reassure the member for Beaches-Woodbine that in terms of their own record, which of course that member can speak to in terms of having



previously been the Minister of Health, she knows that they cut \$60 million out of psychiatric facilities without and community reinvestment.

The other aspect of this question is important.

**The Speaker (Hon Chris Stockwell):** Answer.

**Hon Mrs Marland:** The leader of the third party, Mr Hampton, said he would mandate children's mental health services in legislation. That's really interesting —

**The Speaker:** Final supplementary.

1410

**Ms Lankin:** Minister, you are responsible now. You've been in government for three years, and let me tell you, you have not dedicated any services, any service enhancement to children's mental health. You and the Minister of Health speak about additional resources, all of them going to adult services. Children's mental health services are in a crisis.

The parents who are holding a vigil outside Sick Kids Hospital tonight are losing that service. It is not going to be replaced in the months ahead. Where are they going to get their services? You need to act now.

There are several things you can do. There needs to be an overall coordinating role, as was recommended by the Health Services Restructuring Commission. Give that to the Ontario children's mental health treatment centres. Give them a coordinating role, let them do the planning for you. Also, make a commitment to introduce legislation mandating these services, because what's happening in the hospitals is that as they have to make tough decisions because there's no mandate for this legislation for children's services, that's what's losing out.

**The Speaker:** Question.

**Ms Lankin:** Ron Ballantyne from Whitby says: "That's what we're going to have to do with these tough decisions. We don't want to do it, but that's where the money will come from."

**The Speaker:** Thank you. Minister?

**Hon Mrs Marland:** I want to finish what I was saying in my previous answer because I think it's very important for this question to be addressed by our government. The fact is that when their leader, Mr Hampton, said he would mandate children's mental health services in legislation, he in fact didn't do it; no one in his government did it for the five years they were the government.

Just in response to the picture of the Whitby Mental Health Centre, there has been an increase in the total number of beds in this facility since 1995, including 40 forensic mental health beds, so the record in terms of that centre, as far as our government is concerned, is very clear.

Most important, dealing with the subject of the Hospital for Sick Children, the negotiations are currently under way —

**The Speaker:** Answer.

**Hon Mrs Marland:** — between the hospital and the Addiction and Mental Health Services Corp about program consolidation. There will be no change in service levels.

**The Speaker:** New question, third party.

## SOCIAL ASSISTANCE

**Ms Frances Lankin (Beaches-Woodbine):** To the same minister: Don't read the briefing notes they send in. Stand up for kids. At Whitby Mental Health Centre, those forensic beds are the reason we're losing children's mental health beds. At Sick Kids, the hospital restructuring commission said: "Add to the services when you put the addiction and research foundation together. Don't move services over there."

The question I want to ask you now has to do with your colleague the Minister of Community and Social Services, who joined yesterday with the federal minister to announce the beginning of the national child benefit program. You know that, as you kick in, the provincial government is going to take a dollar away from social assistance recipients for every dollar the federal government adds.

For some families who've got some little income, either from earnings or from child support or from unemployment insurance, that means they're going to go over the eligibility line. What that means is they're going to lose their drugs, dental and vision coverage for their kids. The lowest-income kids, who were supposed to benefit from this program, will now be worse off under your rules than they were before this grand new supplement. As minister responsible for children's wellbeing in this province, how do you defend that?

**Hon Margaret Marland (Minister without Portfolio [children's issues]):** I'm going to refer the final question, which is on a different subject, to the Minister of Community and Social Services.

**Ms Lankin:** No, this is the first question of a new question.

**The Speaker (Hon Chris Stockwell):** The first question and the second question. Minister?

**Hon Janet Ecker (Minister of Community and Social Services):** The national child benefit, as the honourable member across the way will know, is a joint initiative between the provinces and Ottawa, where they increased the amount of money through the child tax benefit and the provinces will remove that from the social services cheque to that individual. Dollar for dollar, there is no change. Those savings are used for reinvestment in ways to take people off social assistance into jobs, to promote services for high-risk children, to eliminate the duplication between the federal government and the provinces. There is a public accountability, dollar for dollar. Every dollar is going into services for kids and families across the country in every province. It's one of the most unique partnerships we have seen in social services in this country for many years, and it is actually going to result in new dollars for low-income working families, which is exactly what it is designed to do.

**Ms Lankin:** We're supposed to have a minister responsible for children's issues to make sure that other ministers don't do what this minister is doing. Let me give you an actual example. Take the case of a single parent with one child. She's trying to work her way off assis-

tance, which you say you want her to do. She has deductible earnings right now of \$920. That leaves her with a small Ontario Works top-up and health benefits. Starting next month, she'll have to declare the \$50 she is going to get under the national child benefit supplement. That puts her over the top and she is no longer eligible for assistance. For an additional \$50 she loses drug benefits for herself and her child, she loses dental and vision care for her child, she loses supplementary benefits like winter clothing and back-to-school allowances, she loses the Ontario Works child care subsidy that has allowed her to work in the first place.

Minister, the national child care benefit supplement was supposed to help low-income families, not leave them worse off. What steps are you taking to ensure that families on social assistance do not lose their health benefit and other benefits when they receive this additional income supplement?

**Hon Mrs Ecker:** As the honourable member well knows, on social assistance, sources of new income that take you above the threshold affect your eligibility. That is not different from any other source of income. For individuals, the agreement with Ottawa and the provinces is that, dollar for dollar, a social assistance person will not lose any money. For those who may well be caught in the transition, the ministry is assessing each case individually to make sure, for example, that they don't lose their child care support, because we recognize that that is a very important support.

The other thing I would like to remind the honourable member of is that our child care supplement, which the finance minister introduced, will result in over \$1,000 per child under the age of seven for low-income working families. We are making sure that work pays, if you will, that those families get incentives and benefits when they're in jobs.

**Ms Lankin:** You're talking about if she's eligible, if she's working, getting maybe a maximum of \$85. For that she has lost her drug coverage, her child's drug coverage, her child's dental coverage, her child's vision coverage, her child's back-to-school allowance, her child's winter clothing allowance. Minister, you could do something about this. In other provinces, let me tell you — British Columbia, Saskatchewan, Yukon, Prince Edward Island, Newfoundland, Labrador, and yes, even Alberta — they have put in place health benefit programs for low-income families to ensure that they are not worse off when they leave social assistance. They're maintaining things such as drug benefits, dental and vision coverage for kids and for their families. They understand this is important in order for people to be able to get off social assistance and not penalize them and not take away the benefits the federal government has put in place. When is Ontario going to do the same?

**Hon Mrs Ecker:** Of those parents who are perhaps in part-time jobs and for whom welfare is a top-up on top the income they might well be getting, there are some who may well be caught in the transition. That's why the ministry is working with those families to make sure they

don't lose supports like, for example, child care, as the minister mentioned. But I would also like to remind the member that every dollar coming to this province as a result of the national child benefit is being reinvested for low-income working families so they can get the support and the help they need.

1420

## POLICE SERVICES

**Mr Sean G. Conway (Renfrew North):** My question is to the Chair of Management Board. It carries on a concern I had in a question two weeks ago about new policing policies being developed by the government of Ontario, and yes, it is the Parry Sound situation.

I have in my hand a letter dated June 9, 1998, from the Ontario Association of Police Services Boards. Not surprisingly, that association, like myself and many others, is very interested in and concerned about the Parry Sound arrangement, whereby you as a government, through special relief funding, made half a million dollars available to a municipality that had long been paying for its local policing. On behalf of the Ontario Association of Police Services Boards and communities like Deep River and Arnprior, Renfrew and Pembroke, which I represent, are you prepared to stand in your place and offer the Parry Sound deal to communities like Deep River?

**Hon Chris Hodgson (Chair of the Management Board of Cabinet, Minister of Northern Development and Mines):** I know the finance minister welcomes this question.

**Hon Ernie L. Eves (Deputy Premier, Minister of Finance):** I would like to put on the record very directly exactly what happened with respect to policing costs in the town of Parry Sound. The same thing happened in Parry Sound that happened to the municipalities of Cardinal, Hastings and Tweed. They were four municipalities that were treated like 572 other municipalities in Ontario whose policing contracts had expired; in Parry Sound's case on December 31, 1993, the same date for Cardinal. I believe one of the municipalities was December 31, 1994, and the other was December 31, 1996. Their contracts had expired and they were either making dramatically reduced payments or no payments at all, because they were arguing with the OPP. They did not want to enter into a new contractual relationship. The Ontario Provincial Police recommended to the Solicitor General's office that those four municipalities be treated the same as the other 572 municipalities that did not have policing contracts in place at the time.

**Mr John Gerretsen (Kingston and The Islands):** We all want the same deal.

**Hon Mr Eves:** You do have the same deal.

**The Speaker (Hon Chris Stockwell):** Minister, come to order.

**Mr Conway:** I want to say that it is true that the town of Parry Sound and the OPP have been having a fight about levels of service and a new contract. But it is also true that the town of Parry Sound has been paying, since



that fight began in 1992-93, over \$1 million annually towards their policing. Now, as a result of what your government has done, a municipality that had been paying a per household cost of roughly \$275 for municipal policing on an annual basis, as a result of this half-million-dollar grant that has been made available by your ministry, their \$275 charge is going to drop to an annual \$90. I represent the town of Deep River, population 4,200. Their annual per household policing cost is 350 bucks. What they want to know, very simply, is this: Will the people of Deep River be eligible for funding from the community reinvestment fund that will allow their municipal policing costs to drop by a percentage similar to what you have arranged for the town of Parry Sound?

**Hon Mr Eves:** First of all, I have arranged nothing. *Interjections.*

**Hon Mr Eves:** I have not.

**The Speaker:** Order.

**Hon Mr Eves:** The suggestion was made by the Solicitor General's office on advice from the OPP, by letter dated November 28, 1997, that these four municipalities should be treated under section 5.1 of the Police Services Act, the same as the other 572 municipalities. The recommendation came from the Ontario Provincial Police. If the member for Kingston and The Islands would like to challenge their integrity, say so outside the House.

*Interjections.*

**The Speaker:** Member for Brant-Haldimand, they say the same thing about this side as well.

**Mr Conway:** Don't tease him. He's just back from —

**The Speaker:** Oh, I see. It depends where you're sitting. That's the question.

## GOVERNMENT CONTRACTS

**Mr Tony Silipo (Dovercourt):** My question is to the Chair of Management Board. I hope his answer goes beyond the pat answer of, "Step outside and say it out there." That seems to have become the standard answer from the government side these days.

Unlike you, Ron Barbaro, the new head of the Ontario Casino Corp, seems to recognize a whitewash when he sees it. He knows there's something wrong and that's why he has decided to hire Stanley Beck. He knew that the report you asked for just doesn't cut it. We tried, through our colleague from Welland-Thorold yesterday, to explain to you the difference between what he can do and what you can do. You still don't seem to understand that what Mr Barbaro is doing and what a public inquiry is are two different things. Mr Barbaro can't call a public inquiry. As well intentioned as his step is to have Mr Beck, he can't call a public inquiry. Only you and your government can do that.

A public inquiry is public, it's transparent, it's truly open. It will allow for the subpoenaing of witnesses and require them to testify under oath. Minister, you need to clear the air around this whole Niagara casino deal and the only way the air can be completely cleared is for you

to call a public inquiry. Will you stop resisting? Will you do the right thing and call a public inquiry?

**Hon Chris Hodgson (Chair of the Management Board of Cabinet, Minister of Northern Development and Mines):** The answer is no. We have to deal with the facts. There were some serious allegations and innuendoes made through newspaper articles and through opposition party questions. We wanted to find out the facts. I asked the Ontario Casino Corp, through their lawyers, to report back on the facts. We got that. I made that public to your party and the Liberal Party and the members of the media. We have the facts.

We also appointed Ron Barbaro as the new chief executive officer of the Ontario Casino Corp. I talked to Mr Barbaro, and just to make doubly sure everything is in order, we appointed Stan Beck. You said yourself that you agree with his integrity. We'll wait to see what he says.

**Mr Silipo:** Doesn't it bother you at all that the new head of the Ontario Casino Corp is actually showing a higher sense of responsibility around this than you as the minister responsible? You are heading into a serious blunder on this and you quite frankly may end up having to take the political flak for your government on this. You are just causing problem after problem, and the only way to get to the bottom of this is for you to acknowledge now that there is the need for a public inquiry, because that's the only way in which the air can be completely cleared.

Besides that, I want to ask you also what you are going to do in the meantime about the discussions that are going on around the negotiations with Falls Management on the awarding of the contract. We understand that they will sign a contract in the near future. By then, quite frankly, it may be too late, regardless of how the facts get unearthed. It will be a done deal. Minister, while you continue to reflect on the need for a public inquiry, will you at least put a freeze on the negotiations and ensure that we start again with this process of awarding the contract?

**Hon Mr Hodgson:** Mr Barbaro will wait for Mr Beck's report before any contract is or is not signed with the number one proponent.

I just want to address your preamble, though, and your assumptions on this. We have the facts as outlined by the Ontario Casino Corp and their solicitors. The facts do not warrant a public inquiry. What we've decided to do in the interests of making it an open affair and a transparent process is to ask Mr Beck, who is widely recognized as independent and a man with great integrity, to do a final review before Mr Barbaro would recommend signing that contract.

If you have any new evidence or new facts, I would encourage you to share them with me or this House, because we would like to know. If not, the facts do not warrant a huge public inquiry, which seems to be your party's response to every question you ask.

1430

## ONTARIANS WITH DISABILITIES LEGISLATION

**Mr John L. Parker (York East):** My question is for the Minister of Citizenship, Culture and Recreation. The Bloorview MacMillan Centre is located just on the edge of my riding of York East. I'm told that it's Ontario's largest service provider for young people with disabilities. I've visited Bloorview MacMillan several times and I've seen first hand the important work that's being done there.

The people at Bloorview MacMillan are very interested in what our government is going to do in the coming months to prepare an Ontarians with Disabilities Act. The minister is well aware of my interest in this matter and my interest in being part of the consultation process, as I know the Ontarians with Disabilities Act Committee would also like to be involved with the consultation process.

My question to the minister is this: What involvement can the ODAC expect to have in helping to develop an ODA?

**Hon Isabel Bassett (Minister of Citizenship, Culture and Recreation):** First of all, I want to thank the member and commend him for his concern in preventing and removing barriers for persons with disabilities and also for his interest and initiative in trying to develop partnerships between business, government and the disabled in order to achieve this.

The honourable members on both sides of the House will recall the May 1996 resolution that made it quite clear that we are to work together with members of an ODAC, among others, in the development of any legislation we bring in in this area, and that will be the case. In fact, that is the case. I would therefore say that of course the ODAC will be invited to participate in this process.

I would also like to point out that my colleagues on both sides of the House have shown an interest in participating in this area. I know, for example, the members for Hamilton Mountain and Hamilton West have had a very good working relationship with members of the ODAC and they have been feeding in their input to me.

**Mr Parker:** Minister, I've met with a number of my constituents on this subject, including my predecessor, Gary Malkowski, who raised questions in this House on this matter during his period in office. I've also received numerous items of correspondence and telephone calls from constituents about our government's plan to develop an Ontarians with Disabilities Act. I would like to know, has the minister had an opportunity to meet with the Ontarians with Disabilities Act Committee to receive their advice and assistance on developing an Ontarians with Disabilities Act?

**Hon Ms Bassett:** I have met, of course, with the members of the ODAC and I've discussed the issue with David Lepofsky, its chair, on a couple of occasions. My parliamentary assistant has also talked with Mr Lepofsky of the

ODAC. In fact, the morning of the release of the blueprint for an ODA, they tried to set up a meeting with me.

I can say that I've also received input right across the province from the disabled community. I've talked to David Shannon in Thunder Bay, who just received the Courage to Come Back Award, and I've met with Lois Hart Maxwell in Peterborough, who is a driving force in the Tower Hill Village community. Just last week, during National Access Awareness Week, I attended the ARCH awards at Osgoode Hall. I wanted to acknowledge the terrific contributions of individuals and businesses, such as IBM —

**The Speaker (Hon Chris Stockwell):** Answer, please.

**Hon Ms Bassett:** — in working to prevent and remove barriers for the disabled. So to answer your question, member for York East, we are very involved with —

**The Speaker:** Thank you very much. New question.

## EDUCATION FUNDING

**Ms Annamarie Castrilli (Downsview):** My question is for the Minister of Education. This week, the Toronto Catholic district school board trustees are set to discuss some very serious cuts in education as a result of your funding formula, some \$14 million over one year.

According to a document tabled by the school board and to be discussed by trustees, the proposed cuts include items that will directly affect classrooms. I refer, for instance, to 36% that will be cut from the budget of supply teachers and some 2% from classroom teachers, for a total of \$9 million; 14.8% which will be cut from library and guidance, if approved; 8.7% from continuing education, summer school and international language; and 7.6% from school operations, which include, by the way, things like heating and lighting, which we'll acknowledge students need. All these reductions directly affect the classroom.

In addition, there will be an 11% cut to transportation, primarily for disabled kids and children in kindergarten, among others. If these kids can't get to school, I'm sure you'll agree that that too will affect their education.

You promised there would be no cuts to the classroom and that there would be equity for all children, regardless of the board in which they were educated. The facts state otherwise. How do you justify these reductions that are caused by your funding formula?

**Hon David Johnson (Minister of Education and Training):** Through the funding formula, more moneys in fact have been provided for school boards across Ontario. In 1997, about \$13.3 billion went to school boards across the province, plus about another \$1.1 billion in teachers' pensions, for a total of about \$14.4 billion. In the next school year there will be more money than that being spent within the school boards across Ontario.

Not only that, but the focus now is in the classrooms of the province, so there are more moneys for teachers, more moneys for libraries, more moneys for guidance, more moneys for supplies, more moneys for textbooks. For all of the activities within the classroom, there are more



moneys. It's absolutely true: More moneys to the classrooms.

Now, it's not beyond the school boards to be playing games, as you know, but the school boards have more money for their students and more money for their classrooms.

**Mr James J. Bradley (St Catharines):** I challenge you to go outside and say that.

**Hon David Johnson:** By the way, there is \$3 million more — and I'm pleased to go outside and say that, because it's true — for transportation.

**Ms Castrilli:** The facts speak for themselves, and everything the minister has said is not supported in this document. But I'd like to refer him to something else. I'd like to refer him to an article in the North York Mirror this weekend which screams out in bold letters, "Funding Gap Between School Boards Wider Than Ever."

Minister, nobody believes what you have just said. In fact, trustee Mike Del Grande of the Toronto Catholic district school board has bravely spoken out and challenged that there have to be some additional moneys, additional funds.

You have responded to the urgent request of the school board by requiring your ministry to review the finances of the board. That is unacceptable. But let me ask you this: In the event that your audit of the school board finances reveals that the situation is exactly as I've indicated, as the records speak for themselves, will you commit today to put the necessary resources in the classrooms where they are required?

**Hon David Johnson:** It's a pure statement of fact that there is more money in the system. That will certainly become evident. If the member doesn't believe that today, then in the fullness of time she will.

She indicates that nobody believes there's more money. Here I look at the London Free Press and it says, "School Boards Go on a Hiring Spree." Across the province of Ontario, more and more teachers are being hired. In Ottawa, the Ottawa separate board is hiring more teachers. The York board is hiring more teachers. The London board is hiring more teachers.

*Interjections.*

**The Speaker (Hon Chris Stockwell):** Minister.

**Hon David Johnson:** We are particularly concerned about special education because we wanted to ensure that there were more than adequate amounts for special education. For the first time ever, we defined "special education," protected it at over \$1.52 billion, and yesterday we supplemented that with a further up to \$40 million in case school boards decide that they need the intensive support amount to a higher level, another \$40 million —

**The Speaker:** Thank you. New question.

1440

## SCHOOL CLOSURES

**Mr Bud Wildman (Algoma):** I have a question for the Minister of Education and Training as well. Speaking of playing games, it's his ministry that has been playing

games. Yesterday, as he just indicated, he announced additional changes related to the funding formula. Recognizing that his cutting formula means that schools are going to close, he announced an extension for school boards with respect to student accommodation to keep the schools open for an additional year.

Could the minister indicate whether this announcement originated in the finance branch of his ministry or in the public relations/communications branch which realized that it wouldn't look good to have Tory MPPs showing up with American textbooks at schools that were about to close next September.

**Hon David Johnson (Minister of Education and Training):** I don't know quite how to respond to that. In terms of the books, the two opposition parties are a little chagrined that for the first time ever in the history of Ontario a special fund, a \$100-million fund, has been set aside for textbooks and science equipment to help our students. I don't know why the opposition parties are in opposition to the textbooks and the equipment for our students. I will also say that the textbooks are coming through the very same publishers on Circular 14 that provided books when the NDP was in power, and the same publishers that provided books to the school boards when the Liberals were in power.

**Mr Wildman:** Since the minister didn't deal with the question, I want to deal with the question of the extension of the date by which school boards have to make a decision on the closure of schools as a result of the shortage of funds from his funding formula. Can he indicate whether the additional funding that will be required to keep these schools open will be annualized so that the boards will be able to maintain and operate these schools to serve our students beyond one year hence, or is he just trying to get this decision for the closure of schools beyond the next provincial election so he won't have that embarrassment to deal with in the provincial election campaign?

**Hon David Johnson:** Although I wish I did, I have no knowledge of when the next provincial election is going to be. I guess it could be as late as two years from now.

**Mr Gilles Pouliot (Lake Nipigon):** But we will have to correct your mistakes.

*Interjections.*

**Hon David Johnson:** That one is a little hard to take.

The member is right; I did not answer his question. The answer to the question where this emanated from is it emanated out of discussions with various school boards. Various school boards, including the Ottawa board I mentioned earlier, came to me and said they needed to address their accommodation situation. They had an overabundance of accommodation in one particular area and in other areas they had many portables. They needed to address it, but they needed a little more time than the September 1 date would allow them, so I agreed with them. I said, "Fine. I've heard what you've had to say. We listened to what you had to say," and we responded by extending the date.

## CANADA HEALTH AND SOCIAL TRANSFER

**Mr John Hastings (Etobicoke-Rexdale):** My question is for the Deputy Premier and it involves the results of the outcome of yesterday's finance ministers' meeting in Ottawa. What I would like to know from the Deputy Premier is, what exactly did Ontario achieve in terms of results out of that meeting, and what is the minister's reaction regarding the Prime Minister's immediate rejection, it would appear, of any progress on a social transfer agreement?

### *Interjections.*

**Hon Ernie L. Eves (Deputy Premier, Minister of Finance):** The member for Etobicoke-Rexdale wouldn't have any problem going outside and saying anything he says inside the House.

The provinces unanimously, and I want to emphasize this, repeated their request to the federal government that it restore the cuts to CHST payments for health care, post-secondary education and social programs of \$6.2 billion over the last three years. To the province of Ontario alone, this has meant, of course, the loss of \$2.7 billion over the last three years. The federal government's response was simply that the cupboard is bare, that we don't have a fiscal dividend, that we don't know what it will be this year, that it could be somewhere between \$1 billion and \$3 billion. I want to remind the honourable members this is the same federal government that last year said it would have a \$17-billion deficit and ended up with a \$3-billion surplus, so we find that kind of hard to believe.

**Mr Hastings:** It would appear, Deputy Premier, that the results of this finance ministers' meeting were less than —

### *Interjections.*

**The Speaker (Hon Chris Stockwell):** Hold on a minute. Just hold on. You'll get your question. I can't hear you.

Member for Etobicoke-Rexdale, supplementary.

**Mr Hastings:** It would appear we've again touched a collective nerve over there because this group, particularly the provincial Grits, seems to dismiss any negotiations with the federal government that you would want to be successful for the citizens of this province, particularly the people of diverse communities in this province, and particularly in the greater Toronto area. The CHST reductions have had a dramatic impact in terms of not helping these people whatsoever. When you look at the disparity of \$850 versus \$2,500 for Quebec for newcomers to Canada, was there any discussion, Deputy Premier, regarding this specific item, in terms of aid to these communities in this province?

**Hon Mr Eves:** The discussion centred primarily around CHST payments and the equalization funding formula, which I think the majority of provinces, with the exceptions of Newfoundland, Nova Scotia and Quebec, agreed should be done in concert. Our request was quite simple: that in the event of an anticipated federal fiscal dividend in this current fiscal year, the federal government

restore CHST funding over the same three-year period of time in which they reduced it. Seventy-three per cent of Canadians understand that the federal government has reduced its funding. They feel it is inappropriate and should be restored. I must say, the provinces are unanimous in that request as well.

1450

## ELECTORAL REFORM

**Mr James J. Bradley (St Catharines):** My question is for the government House leader. In the dying days of this legislative session your government is pushing through this House a bill which will allow a massive increase in the amount of money that political parties and candidates may spend during a provincial election campaign, and a substantial increase in the amount of money that corporations and individuals may contribute to political parties and candidates. You are also removing any limits at all on spending for polling research and campaign travel. I think you would agree with me, that's a huge expenditure.

If Premier Mike Harris insists that you force this bill through the Legislature without significant amendments, without public hearings, you will move Ontario politics in exactly the same direction as American politics, to a situation where money plays the paramount role in the election process and where influence is bought through huge campaign contributions.

Minister, will you recognize the enormous problem this bill will cause for our political system and will you accept amendments to this bill to avoid this inevitable problem, amendments which will minimize the role of money in our democratic process?

**Hon Norman W. Sterling (Minister of the Environment, Government House Leader):** Mr Speaker, I refer this to the Chair of Management Board.

**Hon Chris Hodgson (Chair of the Management Board of Cabinet, Minister of Northern Development and Mines):** I appreciate the question from the member of the opposition. As he is fully aware, we tried to negotiate with the other parties. We are taking the recommendations from an independent panel that they had representation on. They had an ad hoc committee that had a member of their own caucus on it.

If we made a mistake in accepting the only written, Liberal response to the commission, that was around the spending limits and that was exactly what the Liberal Party asked for. That's what the public has asked us to do, to make sure we look after their interests. There is a \$15-million saving. We've modernized the election bill and it's regrettable that they didn't want to discuss these details further. We would have liked to have had a consensus. Unfortunately, we have to proceed the way that other provinces had to in this country.



## PETITIONS

### MENTAL HEALTH SERVICES

**Mr Michael Gravelle (Port Arthur):** There is a mental health care crisis in Thunder Bay and northwestern Ontario, and while the minister has lifted the closure notice on the LPH for some time, there is still great concern —

**The Speaker (Hon Chris Stockwell):** What are you doing? Are you giving me a petition?

**Mr Gravelle:** The petition reads:

"To the Legislative Assembly of Ontario:

"Whereas proper mental health care is essential to all Ontarians; and

"Whereas mental health care is severely underfunded in northwestern Ontario; and

"Whereas the Health Services Restructuring Commission has called for the closure of the Lakehead Psychiatric Hospital with no replacement services in its place; and

"Whereas appropriate community mental health treatment is so lacking in northwestern Ontario that those who need treatment, support and rehabilitation are incarcerated in district jails; and

"Whereas the Ministry of Health has not delivered on its commitment to set up the Northwestern Ontario Mental Health Agency over one year after it promised to do so; and

"Whereas there is a dramatic shortage of psychiatrists in northwestern Ontario, to the point where the doctors are severely overworked; and

"Whereas the Ministry of Health promised a 12-bed adolescent treatment centre and has failed to deliver on that promise as well;

"Therefore, we, the undersigned, petition the Legislative Assembly of Ontario to commit those funds necessary to provide full and proper mental health care to those in need in northwestern Ontario and call on the Minister of Health to cancel the closure of the Lakehead Psychiatric Hospital."

I'm pleased to sign that petition.

### PROTECTION FOR HEALTH CARE WORKERS

**Mr Bob Wood (London South):** I have a petition signed by 31 people.

"Whereas nurses in Ontario often experience coercion to participate in practices which directly contravene their deeply held ethical standards; and

"Whereas pharmacists in Ontario are often pressured to dispense and/or sell chemicals and/or devices contrary to their moral or religious beliefs; and

"Whereas public health workers in Ontario are expected to assist in providing controversial services and promoting controversial materials against their consciences; and

"Whereas physicians in Ontario often experience pressure to give referrals for medications, treatments and/or procedures which they believe to be gravely immoral; and

"Whereas competent health care workers and students in various health care disciplines in Ontario have been denied training, employment, continued employment and advancement in their intended fields and suffered other forms of unjust discrimination because of the dictates of their consciences; and

"Whereas health care workers experiencing such unjust discrimination have at present no practical and accessible legal means to protect themselves;

"We, the undersigned, urge the government of Ontario to enact legislation explicitly recognizing the freedom of conscience of health care workers, prohibiting coercion of and unjust discrimination against health care workers because of their refusal to participate in matters contrary to the dictates of their consciences and establishing penalties for such coercion and unjust discrimination."

I agree with this petition and have signed it.

### HEALTH CARE

**Mr Dwight Duncan (Windsor-Walkerville):** I have petitions to the Legislative Assembly of Ontario:

"Whereas we are concerned about the quality of health care in Ontario;

"Whereas we do not believe health care should be for sale;

"Whereas the Mike Harris government is taking steps to allow profit-driven companies to provide health care services in Ontario;

"Whereas we won't stand for profits over people;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"Do not privatize our health care services."

I proudly affix my signature to these hundreds of petitions.

### PHYSICIAN SHORTAGE

**Mr Len Wood (Cochrane North):** I have hundreds of petitions and letters to the Premier of Ontario. They ask: How can physicians survive when they must accomplish the workload of 14? Who will replace those physicians when they are exhausted? Why should citizens from the north be treated differently than those from the south of the province? Why must physicians work three times as hard in the north for the same remuneration as their colleagues in the south?

These questions remain unanswered, and they're looking for answers from the Minister of Health and the Premier of Ontario to resolve the situation in Kapuskasing, where they have a shortage of doctors.

### GAS WELLS

**Mr Toby Barrett (Norfolk):** Farmers are worried about government registration of their gas wells, and I

have signatures here from Jarvis, Nanticoke, Cheapside, Selkirk:

"Whereas new regulations require the registration and licensing of all gas wells by June 27, 1998;

"Whereas most private gas wells in Ontario have been abandoned or are of marginal economic value;

"Whereas the plugging of private gas wells to industry standards is expensive and not necessarily justified environmentally; and

"Whereas in recent years there has been little communication, understanding and trust between the Ministry of Natural Resources petroleum division and area farmers, land owners and gas well drillers;

"We, the undersigned, petition the Legislative Assembly of Ontario to exempt existing private-use gas wells from requirements under the Oil, Gas and Salt Resources Act and concentrate resources on detecting, preventing and rectifying any environmental risk or impact of these existing or new gas wells."

I agree with this petition and hereby affix my signature.

#### HOSPITAL RESTRUCTURING

**Mr John C. Cleary (Cornwall):** I have a petition to the Legislative Assembly of Ontario:

"Whereas the Health Services Restructuring Commission recommends two sites, two boards, two administrations for Cornwall and area hospitals;

"Whereas the HSRC recommends the closing of hospital lab services in Cornwall;

"Whereas the HSRC recommends building upon a site that has no room for growth beyond the year 2003 and will be unable to meet the community's future needs;

"We, the undersigned, petition the Legislative Assembly of Ontario to instruct the Health Services Restructuring Commission to consolidate all hospital services at the Hotel Dieu site, which offers 28 acres of property for future development, with one board and one administration."

#### PROTECTION FOR HEALTH CARE WORKERS

**Mr John Hastings (Etobicoke-Rexdale):** I have a petition here to the Legislative Assembly of Ontario:

"Whereas nurses in Ontario often experience coercion to participate in practices which directly contravene their deeply held ethical standards;

"Whereas pharmacists in Ontario are often pressured to dispense and/or sell chemicals and/or devices contrary to their moral or religious beliefs; and

"Whereas public health workers in Ontario are expected to assist in providing controversial services and promoting controversial materials against their consciences; and

"Whereas physicians in Ontario often experience pressure to give referrals for medications, treatments and/or procedures which they believe to be gravely immoral; and

"Whereas competent health care workers and students in various health care disciplines in Ontario have been denied training, employment, continued employment and advancement in their intended fields and suffered other forms of unjust discrimination because of the dictates of their consciences; and

"Whereas health care workers experiencing such unjust discrimination have at present no practical and accessible legal means to protect themselves;

"We, the undersigned, urge the government of Ontario to enact legislation explicitly recognizing the freedom of conscience of health care workers, prohibiting coercion of and unjust discrimination against health care workers because of their refusal to participate in matters contrary to the dictates of their consciences and establishing penalties for such coercion and unjust discrimination."

I affix my name to this petition.

#### 1500

**Mr Tony Ruprecht (Parkdale):** I have a petition signed by a number of people from Parkdale and Davenport.

"Whereas nurses in Ontario often experience coercion to participate in practices which directly contravene their deeply held ethical standards; and

"Whereas pharmacists in Ontario are often pressured to dispense and/or sell chemicals and/or devices contrary to their moral or religious beliefs; and

"Whereas public health workers in Ontario are expected to assist in providing controversial services and promoting controversial materials against their consciences; and

"Whereas physicians in Ontario often experience pressure to give referrals for medications, treatments and/or procedures which they believe to be gravely immoral; and

"Whereas competent health care workers and students in various health care disciplines in Ontario have been denied training, employment, continued employment and advancement in their intended fields and suffered other forms of unjust discrimination because of the dictates of their consciences; and

"Whereas health care workers experiencing such unjust discrimination have at present no practical and accessible legal means to protect themselves;

"Therefore we, the undersigned, urge the government of Ontario to enact legislation explicitly recognizing the freedom of conscience of health care workers, prohibiting coercion of and unjust discrimination against health care workers because of their refusal to participate in matters contrary to the dictates of their consciences and establishing penalties for such coercion and unjust discrimination."

I am signing my name to this document.

**Mr R. Gary Stewart (Peterborough):** I want to summarize my petition regarding health care workers who often experience coercion to participate in practices which directly contravene their deeply held ethical standards.

"We, the undersigned" — and there are some 300 to 400 — "urge the government of Ontario to enact legislation explicitly recognizing the freedom of conscience of



health care workers, prohibiting coercion of and unjust discrimination against health care workers because of their refusal to participate in matters contrary to the dictates of their consciences and establishing penalties for such coercion and unjust discrimination."

I will submit it today.

#### ABORTION

**Mr Bruce Crozier (Essex South):** I've been given this petition to read to the Legislative Assembly of Ontario.

"Whereas the Ontario health system is overburdened and unnecessary spending must be cut; and

"Whereas pregnancy is not a disease, injury or illness and abortions are not therapeutic procedures; and

"Whereas the vast majority of abortions are done for reasons of convenience or finance; and

"Whereas the province has exclusive authority to determine what services will be insured; and

"Whereas the Canada Health Act does not require funding for elective procedures; and

"Whereas there is mounting evidence that abortion is in fact hazardous to women's health; and

"Whereas Ontario taxpayers funded over 45,000 abortions in 1993 at an estimated cost of \$25 million;

"Therefore we, the undersigned, petition the Legislative Assembly of Ontario to cease from providing any taxpayers' dollars for the performance of abortions."

#### OCCUPATIONAL HEALTH AND SAFETY

**Mr David Christopherson (Hamilton Centre):** I have further petitions regarding workplace health and safety, signed by members of the workforce from all across Ontario. The petition reads as follows:

"Whereas approximately 300 workers are killed on the job each year and 400,000 suffer work-related injuries and illnesses; and

"Whereas the government of Ontario continues to allow a massive erosion of WCB prevention funding; and

"Whereas Ontario workers are fearful that the government of Ontario, through its recent initiatives, is threatening to dismantle workers' clinics and the Workers' Health and Safety Centre; and

"Whereas the workers' clinics and the Workers' Health and Safety Centre have consistently provided a meaningful role for labour within the health and safety prevention system; and

"Whereas the workers' clinics and the Workers' Health and Safety Centre have proven to be the most cost-effective prevention organizations funded by the WCB;

"Therefore we, the undersigned, petition the Legislative Assembly of Ontario to immediately cease the assault on the workers' clinics and the Workers' Health and Safety Centre; and

"Further, we, the undersigned, call upon the Legislative Assembly of Ontario to ensure that the workers' clinics and the Workers' Health and Safety Centre remain

labour-driven organizations with full and equitable WCB funding and that the WCB provide adequate prevention funding to eliminate workplace illness, injury and death."

I proudly add my name to theirs.

#### COMPENSATION FOR HEPATITIS C PATIENTS

**Mr Joseph N. Tascona (Simcoe Centre):** I have a petition to the Parliament of Ontario, addressed to the Legislative Assembly of Ontario:

"Whereas many Ontarians have been infected with the hepatitis C virus as a result of transfusions using contaminated blood; and

"Whereas the current compensation package only provides funding for those people infected between the years 1986 and 1990; and

"Whereas in Canada there are at least 20,000 surviving victims who were infected with hepatitis C before 1986, who placed their faith in the blood system and are now suffering;

"Now therefore, we, the undersigned, respectfully petition the Legislature of Ontario on behalf of the victims and their families in support of the Ontario government's call for a compensation package for Ontarians who are infected with the hepatitis C virus through the blood system prior to 1986, and that pending a resolution of the federal liability for the contaminated blood problem, Ontario agree in the interim that such new package be funded by the Ontario and the federal government on the same basis as the federal-provincial agreement covering 1986-90.

"We call on the government of Canada to do the right thing."

I affix my signature.

#### ADOPTION

**Mr Alex Cullen (Ottawa West):** I have a petition for those who seek amendments to adoption reform here in Ontario. I will summarize it because it's long. Simply:

"We, the undersigned, petition the Legislature of Ontario to enact provisions of the Child and Family Services Act and other acts to:

"Permit unrestricted access to full identifying birth information to adopted persons and adult children of adopted persons and unrestricted access to adopted persons' amended birth certificate to birth parents, birth grandparents, siblings and other birth relatives when the adopted person reaches age 18;

"Permit unrestricted access to identifying information to adoptive parents of minor children, emancipated minor adoptees, individuals with legal guardianship of an adopted person in special circumstances only;

"Allow adopted persons and birth relatives to file notice stating their wish for no contact;

"Replace mandatory reunion counselling with optional counselling;

"Permit access to agency and court files when original statistical information is insufficient for identification and contact with birth relatives; and

"Recognize open adoptions in its legislation."

These petitions are signed by people who live in the St Thomas and London area.

## ORDERS OF THE DAY

### ECONOMIC DEVELOPMENT AND WORKPLACE DEMOCRACY ACT, 1998

LOI DE 1998

### SUR LE DÉVELOPPEMENT ÉCONOMIQUE ET SUR LA DÉMOCRATIE EN MILIEU DE TRAVAIL

Resuming the adjourned debate on the motion for second reading of Bill 31, An Act to promote economic development and create jobs in the construction industry, to further workplace democracy and to make other amendments to labour and employment statutes / Projet de loi 31, Loi visant à promouvoir le développement économique et à créer des emplois dans l'industrie de la construction, favorisant la démocratie en milieu de travail et apportant d'autres modifications aux lois ayant trait au travail et à l'emploi.

**The Deputy Speaker (Ms Marilyn Churley):** We will now go into questions and comments, after the speech yesterday by the member for Oriole.

**Mr David Christopherson (Hamilton Centre):** I'm pleased to rise to respond to the comments of the member for Oriole. I note that he made a number of references to the minister, who of course continues to put forward the argument that somehow there are parts of the construction trades that are in support of what he's doing. Let's make it very clear. For instance, today there was an emergency meeting, and as a result of that emergency meeting of a number of construction trade leaders they issued a letter over the signature of Pat Dillon, who's the head of the Provincial Building and Construction Trades Council of Ontario, as well as being cosigned by 18 other construction trade leaders. It's addressed to the Minister of Labour and it says in part:

"The building trades oppose Bill 31 in its entirety.... We met with your ministry for over one year in trust and in good faith. You have betrayed that trust and demonstrated bad faith. You are putting everything that is good about the construction industry in jeopardy.

"There is no aspect of Bill 31 which we can support or cooperate in. Specifically, in good conscience, we will not be able to participate in any project agreement created under Bill 31. By introducing a bill that is viciously anti-union, you have decided that there will not be stability in the construction industry. You have decided that Ontario will not be open for business.

"Withdraw Bill 31 in its entirety!"

This is a letter that I would think is now in the office of the minister, that came out of an emergency meeting of almost 20 of the top leaders of the construction trades industry in this province who are responding to this anti-union bill, this union-bashing bill, and the fact that the government intends to ram it through in the next few days while claiming they have some support. They have no support among the trades workers themselves.

1510

**Mr Richard Patten (Ottawa Centre):** I want to compliment my colleague from Oriole on his analysis of the bill, particularly related to the role of the Ontario Labour Relations Board as the fall guy, with their having to make decisions that will render them somewhat like a eunuch in trying to address labour difficulties or resolve differences in the workplace.

As my colleague from Hamilton Centre has pointed out, the Provincial Building and Construction Trades Council of Ontario, with signatories from 19 specific trades, has sent a letter today to reinforce their opposition to this bill.

I would like to underline that the government (1) go to public hearings on this bill, which they've given no indication they're going to do, or (2) that they split the bill. They could look at the project agreement section, have some immediate meetings over the next day or so, and my hope would be that perhaps they could arrive at a consensus between all the parties involved and then bring that back with amendments to that section, with the balance put out for comments and hearings during the summer period.

This bill talks about being the workplace democracy act. Democracy will not be served if there is not an opportunity for the parties affected to respond to what is being presented in this bill when those issues were never on the table throughout the discussions that have been taking place for the last year and a half. I would underline that, and I would ask the minister to reconsider and make sure there are hearings and that there can be some discussions.

**Mr Bud Wildman (Algoma):** I listened carefully to the comments of my friend from Oriole with regard to Bill 31. I note that he dealt with the questions around workplace democracy, as this government calls it, but he also dealt with the questions around the construction industry.

I note that the letter which has been referred to by the member for Ottawa Centre and the member for Hamilton Centre, which is over the signature of Pat Dillon, business manager and secretary-treasurer of the Provincial Building and Construction Trades Council of Ontario, and cosigned by 19 specific trades leaders, states, "The provisions creating 'project agreements' which are the complete opposite of anything we have proposed" — the complete opposite. This is interesting, because the minister repeatedly has referred to Pat Dillon and the discussions he's had with Pat Dillon and tried to indicate that Pat Dillon was in favour, and he kept referring to a press report.

But here we have a specific letter over the signature of Pat Dillon, dated June 16, addressed to the Minister of Labour, Jim Flaherty, in which he says, "The project



agreements are the complete opposite of anything we have proposed." He goes on to say, and this really concerns me, "These provisions will only create instability and chaos in the construction industry." If the minister thinks that what he has proposed in this bill is going to ensure stability in the construction industry and good-quality jobs in places like Sarnia and Lambton, obviously the industry representatives don't agree with him. I hope the minister will at least agree to hearings so that Mr Dillon can make his position clear.

**Hon Jim Flaherty (Minister of Labour, Solicitor General and Minister of Correctional Services):** The member would know, if he was here yesterday — I'm not sure whether he was — that the director of government relations for the Provincial Building and Construction Trades Council of Ontario was quoted as saying in the June 5, 1998, edition of the *Globe and Mail* —

*Interjection.*

**Hon Mr Flaherty:** I think the member might want to listen to what was said on June 5 rather than a copy of a letter that apparently is dated today. What was actually said the day after the bill was introduced was this: "In principle, we've agreed to helping to attract investment to Ontario through project agreements."

In the north, where the honourable member is from, in Timmins, the *Timmins Daily Press* says, "Such proposals are a good idea, especially for those in the construction industry." The editorial is headed "Ontario Open for Business". That was on June 9, 1998. The *Timmins Daily Press* editorializes as follows: "We applaud the decision of the Progressive Conservatives to balance the rights of business with those of labour to ensure the province will attract more business and more jobs."

The *Windsor Star* gives a rose to the provincial labour minister for introducing this legislation. It says it would be good for everyone who works in this province.

The *Sarnia Observer* says, "Labour Bill Good for This Area." It talks about the bill being introduced and says, "The changes, once they become law, will allow for what's known as project agreements, which help local firms compete for high-tech and petrochemical projects."

We care about workers. We care about jobs. These are union jobs. If the other side cares about jobs in this province for union workers, they'll support this bill.

**The Deputy Speaker:** The member for Oriole has two minutes to respond.

**Mr David Caplan (Oriole):** I'd like to thank my colleagues the members for Hamilton Centre, Ottawa Centre and Algoma and the minister, the member for Durham Centre, for their comments.

I would say to the minister very clearly that it is unseemly for a minister of the crown to take the words of a representative and of a stakeholder of this province and twist and turn them so out of shape that they bear no resemblance to the facts. The minister stands steadfast in his assertion that this bill marks agreement with the stakeholder groups, but we have a letter from the building trades cosigned by 19 other members saying quite the opposite.

Minister, it is a disreputable practice for you to stand in your place and make those comments. I would indicate to the minister the words of his colleague the member for Eglinton, who said, "Ontario is leading the industrial world in economic competitiveness." The member made those comments on October 14. He said that after a KPMG study which indicated that Hamilton, Sarnia, London, Toronto, Sudbury and Ottawa all compared well against the rest of the world. That's fact.

It is very clear that this minister wants to try to twist and turn, but it's not supported in fact.

**Mr William Saunderson (Eglinton):** I would just like to say, Madam Speaker —

**The Deputy Speaker:** Is this a point of order?

**Mr Saunderson:** Yes, it is a point of order. I would just like to say that I said only that we were certainly leading in the industrialized world. I did not make any distinction about where —

**The Deputy Speaker:** Take your seat. That is not a point of order. You cannot correct the record that way.

**Mr John Gerretsen (Kingston and The Islands):** On a point of privilege, Madam Speaker: This point of privilege has arisen out of the matters we just talked about now, so I could not give you the customary one-hour notice. I believe my privileges as a member of this House have been violated as a result of the letter we have received from the provincial building construction council in which they state that they do not in any way support Bill 31, when the Minister of Labour said in this House on June 11, at about line 1835: "Since we're talking about construction, think about this framework as the foundation on which a building is built. As everyone in this House knows, you don't just pour a foundation without" —

**The Deputy Speaker:** Member for Kingston and The Islands, take your seat for a moment. I've been listening carefully. This is not a matter that has just arisen today, so you do have to give the letter in writing.

1520

**Mr Gerretsen:** If I might just continue for a moment, Madam Speaker, the matter has arisen as a result of a letter that we received today from the provincial building trades council, in light of what the minister stated in this House on June 11. At that time he stated:

"Construction employers and trade unions have been discussing the development of such a framework for many months now and I've encouraged them repeatedly in those discussions. These discussions have helped shape the section of Bill 31 that deals with project agreements, and I'd like to spend a few minutes talking about why project agreements are important to construction industry competitiveness."

He definitely gave the impression in the statement he made on June 11 that the building trades council was in support of this bill, but their letter clearly states that it's not so. I believe that my privilege as a member —

**The Deputy Speaker:** I don't believe that is a point of privilege. You will have to take that up with the minister. You'd have to identify for me which head of the point of privilege has been infringed upon here.

**Mr Gerretsen:** The fact that he led us to believe that these unions were in agreement with what was being —

**The Deputy Speaker:** That cannot be a point of privilege. Thank you. Further debate?

**Mr Wildman:** The members have been rising on various attempted points of one sort or another to deal with issues related to a letter that is dated June 16, 1998, addressed to the Minister of Labour from the building trades council. I want to refer to this letter and to a copy that I have received of another letter also addressed to the Minister of Labour dated June 16, 1998. Both of these letters relate to Bill 31 and to comments that the minister has made in the House.

The first letter is quite disturbing. It is signed by Patrick J. Dillon, business manager and secretary-treasurer of the Ontario building trades council. It is dated, as I said, today, and it was —

**Mr Gerretsen:** How could you mistake —

**Hon Mr Flaherty:** If you read it, you goof —

**Mr Wildman:** Goof?

**Mr Gerretsen:** Don't call me a goof.

**Mr Wildman:** The level of debate is really good.

**The Deputy Speaker:** Stop the clock for a minute, please. Minister, I think that was fairly unparliamentary. Could you withdraw that, please.

**Hon Mr Flaherty:** Withdrawn.

**The Deputy Speaker:** Thank you.

**Mr Wildman:** The copies of these two letters came to me by facsimile. The fax is dated today. The fax from the building trades council arrived at 1:34 pm and the other one arrived at 1:11 pm. I'd like to deal with them because they are central to the debate around this bill that deals with what the government calls "workplace democracy."

The letter by Patrick Dillon, co-signed by 19 labour leaders representing various trades in the construction industry, states clearly, "The building trades oppose Bill 31 in its entirety." I know the minister doesn't want to hear this, but the fact is clearly stated: "The building trades oppose Bill 31 in its entirety." It finishes by saying, in this letter addressed to the minister, "Withdraw Bill 31 in its entirety!"

I don't understand how the minister, when he is confronted with this clear statement by the representatives of the building trades, can simply refer to a press report and say, "Well, in the press they're quoted as saying such-and-such." This is a letter directed to the minister from the representatives of the building trades in which they state clearly what their position is, and their position is that they oppose Bill 31 in its entirety and they want the bill withdrawn by the minister.

If anything, this does beg for hearings on this bill. It raises considerable doubt about the statements made by the minister in which he said this was going to be good for the construction industry and improve the situation in places like Sarnia and Lambton. We've got to hear from these leaders of the labour movement. We've got to give them the opportunity to appear before a committee and make clear what their position is, since the minister claims

that they support the bill and yet they have written a letter saying they want the bill withdrawn in its entirety.

*Interjection.*

**The Deputy Speaker:** Member for Algoma, take your seat a moment.

**Mr Alvin Curling (Scarborough North):** On a point of order, Madam Speaker: I observe that there seems to be no quorum in the House.

**The Deputy Speaker:** Clerk, could you check and see if there's a quorum, please.

**Clerk at the Table (Mr Todd Decker):** Quorum is not present, Speaker.

*The Deputy Speaker ordered the bells rung.*

**Clerk at the Table:** Quorum is now present, Speaker.

**The Deputy Speaker:** Member for Algoma.

**Mr Wildman:** I'd like to thank my friend from Scarborough North for ensuring that we have the members present to listen to this important debate which affects the rights of workers in the province.

This letter to which I was referring, written by Pat Dillon and cosigned by his colleagues in the construction industry, talks about "the provisions creating 'project agreements' which are the complete opposite of anything we have proposed. These provisions will only create instability and chaos in the construction industry."

This despite the fact that the minister has repeatedly said in this debate that the project agreements are the central matter in this bill and that they are supported by the construction trades. Well, it's clear they aren't. The minister doesn't really know what these people think or he wouldn't have said that.

It's clear that we have to give these people the opportunity to appear before a committee of the House to explain their position with regard to Bill 31, as well as the owners of the companies in the construction industry to hear what they have to say. It's clear that we've got to get this matter clarified, and that requires us to have hearings. I hope the government and the minister will agree to hold hearings, as they should do.

It really concerns me that Mr Dillon would make a statement like "These provisions will only create instability and chaos in the construction industry."

**1530**

He goes on to say that "the provisions allowing so-called 'non-construction employers' to unilaterally decertify despite having been lawfully certified and despite the present process which allows workers the right to decide for themselves" are something else that they oppose.

He goes on to say, addressing Mr Flaherty, "You are putting everything that is good about the construction industry in jeopardy."

This, again, is the man the minister quoted as being in favour of this bill.

He says further: "Specifically, in good conscience we will not be able to participate in any project agreement created under Bill 31. By introducing a bill that is viciously anti-union, you have decided that there will not be stability in the construction industry."



This, again, is the man representing the construction trades in Ontario whom the minister has repeatedly referred to as being in favour of Bill 31.

The other point that Mr Dillon, along with his colleagues, makes in this letter dated today relates to the other portion of the bill, the so-called workplace democracy. He says, "We oppose the amendments to section 11, which would allow employers to fire, threaten and terrify workers into voting against the union." Again, it's clear, as Mr Dillon concludes, that the construction trades are opposed to this legislation and they are requesting the minister, "Withdraw Bill 31 in its entirety!"

We've got to have hearings. We have to hear from these people to find out why they are so concerned about this bill and why they believe that it will produce instability and chaos in the construction industry.

I have another letter I referred to. It arrived today, dated today, to Mr Flaherty, the Minister of Labour. In this letter, which is signed by George Ward, business manager for the Ontario Sheet Metal Workers' and Roofers' Conference, they make a number of statements related to the statements made by the Minister of Labour and his parliamentary assistant during the debate on Bill 31.

First, he says, "In a statement reported in the June 4, 1998, Toronto Star, you," meaning the minister, "state that section 11 of the Labour Relations Act is an anomaly in Canada." That's the section, I'll remind members, which allows the Ontario Labour Relations Board to order certification if they believe there's been intimidation of the workers. Mr Ward states, "In fact, every province in Canada except for Alberta provides for automatic certification without a vote."

Further, Mr Ward states: "In the House on June 11, 1998, Mr Maves," the member for Niagara, "stated that project agreements are necessary because the Bayer project did not go ahead in Sarnia. This project has been used as the prime example in support of Bill 31" by the Conservatives "as it pertains to project agreements. In fact," according to Mr Ward, "the Bayer project did go ahead and was built in Sarnia at the full ICI rates and conditions. This is proof that the ICI collective agreements are competitive and that they do not act as a disincentive to investment in Ontario."

Again, completely contrary to statements made by the minister's parliamentary assistant in this House.

**Mr Saunderson:** They haven't gone ahead.

**Mr Wildman:** According to this, the Bayer project has been completed with union members doing the work at full ICI rates.

Then Mr Ward says, "In the House on June 11, 1998," the minister "stated that presently if one union went on a province-wide strike, 'The result is everyone drops their tools, work stops, the project effectively dies.'"

According to Mr Ward, "In fact, section 79(1) of the present act explicitly prohibits such an action by other unions not in a legal strike position." Again, the justification used by the minister for the changes in this piece of legislation is not borne out by the facts.

Further on, Mr Ward refers to Mr Flaherty, the Minister of Labour. "You have repeatedly stated that Bill 31 requires that all project agreements are to be 100% union. In fact, nowhere does Bill 31 require this." I heard the Minister of Labour say that repeatedly the other night in the debate, and yet Mr Ward, in his analysis of the bill, says it is not in the bill anywhere. I've looked through the bill and I've come to the conclusion that Mr Ward is correct. If he isn't, I think we have to have the hearings in order to clarify what exactly is the impact of this legislation before we pass it into law. I am very concerned that we may in fact see a chaotic situation in the construction industry in Ontario, which is what is being predicted by these leaders representing construction workers in Ontario.

Mr Ward goes on to say, "Bill 31...is quite dangerous and can only cause chaos and instability." This is a piece of legislation touted by the minister to bring stability, new jobs and growth in the construction industry in Ontario, and yet the representatives, the people who work representing members of the labour movement who work in the construction industry, are saying the complete opposite, that it can only cause chaos and instability.

Mr Ward says, "Unlike the proposal made by the building trades to the employers group in July 1997, your bill does not require that only unionized contractors and unionized workers will be utilized" in the project agreements. "Having union and non-union working on the same project is an invitation to chaos and instability," according to Mr Ward.

Further, he says: "Unlike the building trades' proposal, your bill provides that only unions invited by the owner actually get to vote on the proposal. This sets up a structure whereby a minority will dictate the terms and conditions under which all workers are to work. This too is an invitation to chaos and instability." This is in response to the minister's repeated statements that all unions on a project will get one vote each and they will all be able to vote on whether or not there should be a project agreement. The minister defended that by saying that one union, one vote meant there would be majority rule, and that if the majority of the unions working on a project voted in favour of a particular project agreement, then the project agreement would proceed.

But Mr Ward says that the unions that will be able to vote will be decided by the company, by the owner, not by the unions themselves. The owner will decide who gets to vote, not the representatives of the workers. The minister said all of the unions on the job will get one vote each and they'll all be able to vote and there will be majority rules. But according to Mr Ward, that's not the case. In fact, the owner, the company doing the project, will decide which unions get to vote. I suppose it is possible that a number of unions representing a small number of workers on the project would be invited to vote by the owner but perhaps not some of the larger unions representing a larger number of workers on the project, and thus the minority will rule, not the majority, as the minister has alleged, according to Bill 31.

I don't know whether Mr Ward is right or Mr Flaherty is right. I don't know who is correct.

**Mr Doug Galt (Northumberland):** I am with Mr Flaherty.

**Mr Ernie Hardeman (Oxford):** I am with Mr Flaherty.

1540

**Mr Wildman:** I think it's obvious that the members opposite would lean towards supporting the minister's position, but surely they must be disturbed by the comments of leaders in the construction trades who say that this will not bring stability, it will bring instability and chaos. Surely none of us want chaos in the construction industry, none of us want disputes that might lead to work stoppages that would adversely affect the investment climate in the province.

The Conservatives in the House would want to ensure, I think, that we have a good investment climate, that there will be more people interested in investing in this province and building, producing jobs, but if we have work stoppages related to jurisdictional arguments among unions, among trades, over the application of Bill 31, that will have an adverse effect on the investment climate. Fewer investors will want to invest. There will be fewer jobs, not more jobs. The situation in Sarnia and Lambton will not be resolved; it will be made worse.

Not only that, it won't just be subject to areas like Sarnia and Lambton; it will spread right across the construction industry throughout the province. We will have disputes among unions, we will have disputes between unionized and non-unionized contractors and their workers, and this will hurt the construction industry and hurt economic development in this province across the board.

Mr Ward concludes by saying:

"These are problems we could identify in the short time since Bill 31 was introduced. In all likelihood Bill 31 creates other serious problems, but because you are ramming this through with no consultation, we have not had the opportunity to study fully its implications."

He is suggesting there may be further problems with Bill 31 other than the ones he has identified.

**Mr Curling:** Madam Speaker, on a point of order: Again, my apologies for interrupting the eloquent speech being given by the member, but there seems not to be a quorum in the House. I can't believe that.

**The Deputy Speaker:** Clerk, could you check and see if there is a quorum, please.

**Clerk at the Table:** Quorum is not present, Speaker.

*The Deputy Speaker ordered the bells rung.*

**Clerk at the Table:** Quorum is now present.

**The Deputy Speaker:** Member for Algoma.

**Mr Wildman:** We have before us two letters addressed to the Minister of Labour, dated today, that the minister wants to discount. The minister would rather refer to press reports of statements made, quotes from representatives of the labour movement in the press, than the letters those leaders themselves have sent to the minister.

How can the minister discount these very serious letters, which are predicting serious chaos in the construction

industry if Bill 31 passes as it is? As a matter of fact, they are requesting directly to the minister that the minister withdraw Bill 31 in its entirety.

I haven't dealt with the other major problem in this bill, which is the attack on the rights of workers to organize in the workplace in Ontario under the guise of workplace democracy. In the Orwellian language that this government uses, they describe as democracy something which will deny workers the opportunity to choose who might represent them in the workplace in the negotiations with the employer.

For those reasons I believe, first, the government should withdraw Bill 31, as is requested by the labour leaders. If the government is not prepared to withdraw Bill 31, then I believe we must go to public hearings so that we can hear from the representatives of the workers, representatives of the building trades, representatives of other members of the labour movement, and we can also hear from investors, from the owners of construction companies across the province and from representatives of business about the effects of Bill 31. Then at least, if the government is determined to move forward with it, we can amend it so it does the things which the minister claims it does but which are challenged by the representatives of the very workers he claims he is helping.

The fact is that we cannot afford in Ontario to have disruptions and work stoppages in the construction industry that will harm the investment climate in this province. We cannot have a government bullheadedly go through with this legislation over the objections of the representatives of the workers when those representatives have warned the government this will lead to work stoppages and disruption.

I call on the minister to respond positively to these letters he has received today.

**The Deputy Speaker:** Questions and comments?

**Mr John R. Baird (Nepean):** I'm disappointed that the member for Algoma didn't mention the part of the bill, and concentrate on it in his remarks, that requires a secret ballot vote in every application for certification before the Ontario Labour Relations Board. We on this side of the House believe that's extremely important, and I would have hoped he would highlight that as one of the areas he supports. Those of us on this side of the House believe that every worker in every case should have the opportunity, in a secret ballot vote, to decide whether they choose or don't choose to be a member of a trade union. That's not an issue for government, that's not an issue for anyone but the workers themselves, and I would have hoped the member would detail part of that.

Certainly the motivation for the legislation is to ensure that we can continue with solid economic development and job creation. The members for Sarnia and Lambton have worked extremely hard on this issue to try to encourage more job creation and economic development in their part of the province. They're very concerned that construction labour relations are a real barrier to that job creation. That is indeed the top priority of this government: to create a climate that's positive for investment and for job creation,



and I want to congratulate the members for Sarnia and Lambton for their efforts on this issue.

**Mr Curling:** I want to stand in the House and commend the member for Algoma for his excellent presentation. As balanced and objective as he was, it was rather surprising that the member for Nepean pointed out some part of democracy that he thinks was omitted. The member for Algoma pointed out over and over the undemocratic process and direction you want to go in with this bill. The nerve of the member to even stand on that kind of issue.

**Mr Baird:** You can't keep a straight face.

**Mr Curling:** My face is pretty straight to know that you would have done that.

I was very encouraged by the fact that the member for Algoma said he wants to encourage investment in the province in a balanced way, that unnecessary strikes should be avoided, but he emphasized so well the fact that the democratic process, the participation of the workers, must be there. He pointed out their bullying way of ramming this thing through without the proper presentation, the proper way of having people air their concerns about this bill.

I also would like to say to the member for Algoma that I wish he could have had another 10 or 15 minutes, because there are so many important things he could say. I apologize for the many times I had to get up to call for a quorum in the House to listen to the wonderful and very informative aspects of his presentation.

**Mr Len Wood (Cochrane North):** I want to congratulate the member for Algoma. He did an excellent job of relaying to the Minister of Labour and to the government members the anger and frustration out there, realizing that the minister and the government have brought in legislation that they did not expect, that was not part of the consultation process.

They stated it very clearly in letters they've sent to the Minister of Labour, which we've managed to receive copies of this afternoon. They are completely frustrated and upset, and they're saying that this is going to cause nothing but problems throughout the province of Ontario. They even go to the point of saying that if the Minister of Labour really wants to help this province and get it working again, he should resign immediately.

*Laughter.*

**Mr Len Wood:** Some of the members across the way laugh at that, but the minute you have the construction industry shut down because of something that Mike Harris and the Minister of Labour and the Conservative caucus are bringing in in legislation — they're probably going to bring in time allocation and shut everybody out from the committee process where the public hearings are being held. It's serious. Some people have even written letters saying that it's another little gift Mike Harris is giving to the large construction companies and his friends out there, so they can use this legislation to get out of collective agreements and drive wages down so that eventually everybody, whether they're in construction or working for the industrial sector, will be down to the minimum wage.

It seems this is the agenda that is happening here. It's quite obvious that there is a lot of anger and frustration coming from the building trades unions, the Ontario sheet metal workers' union, the consortium of trades council. The frustration is going to grow and grow, and the anger is going to be vicious out there.

**1550**

**Mr Galt:** It's a pleasure to respond to some of the comments that have been made around the Legislature this afternoon, particularly by the member for Algoma. He seemed to spend most of his time talking about letters to the minister and back and forth, when he might better have been spending more time on the bill. I gather, since he wants to zero in on the letter, that probably he's supportive of the bill but just doesn't want to openly admit it.

Certainly it has been interesting to listen to the member for Scarborough North, who repeatedly got up and called for a quorum and interrupted this fine gentleman from Algoma in speaking and getting his point across, but at the same time he talked about a bully way of getting the bill through, when in fact what we're doing is overcoming this schoolyard bully tactic whereby they force certification and force through a vote. This bill is all about ensuring that there will be a secret ballot, that there will be a democratic process in certification and in decertification, that there will not be the bully kind of tactic the member for Scarborough North was referring to.

The member for Cochrane North was talking about the concerns of the union movement. The present Minister of Labour is doing more for the union movement than any minister from your government ever did. We're creating more jobs, and by creating more jobs it's like a recruitment program for the union itself. With more jobs there are more people to join a union. I would think you'd be very enthusiastic about this kind of activity, helping the unions come up with more people working who would have an interest in joining the organization you're promoting.

There's no question that this bill is there to restore the workplace democracy that's so right. I don't know how anybody could argue about a democratic process in the workplace, and also fairness to help small business in Ontario.

**The Deputy Speaker:** Response, the member for Algoma.

**Mr Wildman:** I want to thank the members for Nepean, Scarborough North, Cochrane North and Northumberland for their comments. I'm disappointed the member for Simcoe East didn't take the opportunity to comment. I wanted to have the opportunity to compliment him on his sartorial splendour.

I want to say that I'm not surprised the member for Nepean is disappointed in my comments. Frankly, if I hadn't disappointed him, I would have been disappointed. The fact that I dealt with the construction industry is related to the fact that we've received these letters just today from representatives of the construction industry, Pat Dillon and George Ward. Pat Dillon is the individual who the minister repeatedly said, in his remarks on this bill,

was in support of the legislation. In fact Pat Dillon is asking that Bill 31 be withdrawn in its entirety because the building trades oppose Bill 31, despite what the Minister of Labour says.

That's why I should deal with this. I dealt with it because both of these representatives of the workers in the construction industry are predicting that if Bill 31 is passed in this form, there will be chaos and instability in the construction industry, which will produce problems in the investment climate in Ontario that nobody in this House wants to occur.

I want to thank my friend from Scarborough North for calling quorums and indicating that we on this side of the House believe this is an important piece of legislation and an important debate.

I also want to thank my friend from Cochrane North for pointing out that the minister has made incorrect statements in this House about support for the bill. I can't understand why the minister continues to depend on editorialists and their opinions, rather than the opinions of the people who actually represent the workers this bill affects.

**The Deputy Speaker:** Further debate?

**Mr Saunderson:** I'm pleased to rise to talk about Bill 31, but before I do I'd just like to set the record straight on what was said yesterday in Hansard.

On page 1429, Mr Patten said that I, as the Minister of Economic Development, Trade and Tourism, said that we are leading the industrial world in competitiveness. I did say that, but when he goes on in his speech, he implies other things to me. I'd like to refer to Mr Caplan's speech on page 1443 in which he says that there was an article dated October 14, 1997, and what he is referring to is the KPMG booklet, I guess we'd call it, called *The Competitive Alternative* — they do this every year, and it has always, since we have been elected, been good news for Ontario because we are doing so well economically. But in Mr Caplan's comments he says, "In fact according to his colleague the member for Eglinton, 'We're leading the industrial world in competitiveness,' said Economic Development, Trade and Tourism Minister Bill Saunderson following the release of the report. 'We're leading the...world.'"

Of course I did mean that we were leading the world and that we were leading the world because of what we are doing in this province. But that doesn't mean that things are perfect in this province. When KPMG do their studies, they look at a number of things. They look at overall cost of doing business in Canada and also in Ontario. They do say that most individual cost components favour Canada. They —

**The Deputy Speaker:** Just take your seat a moment.

**Mr Len Wood:** On a point of order, Madam Speaker: I believe we should have a quorum for this important piece of legislation.

**The Deputy Speaker:** Clerk, could you check and see if there is a quorum, please.

**Clerk at the Table:** Quorum is not present, Speaker.

*The Deputy Speaker ordered the bells rung.*

**Clerk at the Table:** Quorum is now present, Speaker.

**Mr Saunderson:** As I was saying, the KPMG study covers a lot of points —

**Mr Baird:** Where's Len Wood?

**The Deputy Speaker:** Member for Nepean, come to order.

**Mr Saunderson:** — which favour certainly what we're doing in Ontario. They talk about industrial land costs, construction costs, labour costs, employer-sponsored benefits. They also talk about employer-paid statutory employee benefits, electricity costs, transportation costs, telecommunication costs, interest costs, annual depreciation charges, federal, regional and local tax rates, and income tax credits for research and development. That favours Canadian cities.

However, having gone through that list and saying we are leading the world doesn't mean to imply that everything is perfect, particularly in the Sarnia region. That's why I'm very pleased to stand up today and talk about Bill 31, because I think it is a very good bill and one that will encourage investment and job creation in Ontario.

This bill addresses, in my opinion, some of the concerns that have been expressed to me by many businesses in Ontario. I've had the chance to talk to many businesses. I've tried to meet with them on a regular basis, first as minister and then as the chairman of the OITC.

**Mr Len Wood:** Did you talk to the workers?

**Mr Saunderson:** Yes, I tour the plants and I often talk to the workers as well.

**The Deputy Speaker:** Order, please.

**1600**

**Mr Saunderson:** I'm very pleased to say that when I talk to them they are encouraged by what we are doing in this province and that we are as productive as we are.

These business have expressed frustration, when I talk to the management, with what they perceive to be a major remaining barrier to investment and growth in Ontario. This new legislation would be fair and equitable to both industry and Ontario workers.

I have already heard Mr Galt eloquently talk about democracy and I'd like to comment on that as well. First of all, this bill brings democracy to the union movement. When we all are elected on the basis of a secret ballot, I see no reason why the union movement would not want to be conducted by a secret ballot process as well.

Second, I'd like to talk about another aspect of this bill. It gives the companies flexibility to negotiate project-specific contracts outside the provincial collective bargaining process. This is particularly important in the Sarnia region, where I had been told many, many projects had been scuttled by one union not agreeing to changing and operating outside the provincial collective bargaining process. These agreements would remain in effect beyond the time of renewal of the provincial agreements, which is not currently the case.

I want to add that I agree with the comments made yesterday by the member for Sarnia, Mr David Boushy. He has worked very hard for his constituents and is to be commended for his efforts. He has invited me down to the Sarnia area to take a look at the potential of that region.



Believe me, that potential is not being fully tapped. As the former Minister of Economic Development, Trade and Tourism, and currently as chairman of the Ontario International Trade Corp, I have heard from many sectors of the economy about the need to make changes to our labour legislation to improve our ability to compete. We are competing well but we can compete better.

In particular, I want to speak about the concerns expressed by the chemical and petrochemical industry. I have had the opportunity to meet with and travel on trade missions with members of this particular industry. It is a very important industry for our province and our country. We are very competitive with this industry around the world, but there is one problem that we have in Ontario.

In the course of the conversations, I have heard that Ontario is located at the heart of the North American market, wonderfully located, but now we have to make sure we can realize our potential. I have heard from them that we have a very skilled workforce and I believe that.

**Mr Wildman:** That's not what Snobelen says.

**Mr Saunderson:** I can tell you that about 60% of our workforce has some college or university experience, so we are highly skilled and highly trained.

**Mr Wildman:** He says the education system is broken.

**The Deputy Speaker:** Member for Algoma.

**Mr Saunderson:** Also, I hear from the petrochemical industry that Ontario has an excellent transportation infrastructure. That means, when we talk about infrastructure, our roads. We have a four-lane highway connecting Sarnia to the rest of Ontario and into the United States. The bridge in Sarnia has been twinned. That makes sure that the trucking industry can cross at a much faster rate than they could before. We have a wonderful Great Lakes shipping system, which means that goods are easily transported by water. We also have a very good telecommunications infrastructure, which means that all aspects of that transportation can be carefully monitored so the goods can be safely delivered.

Now the pipeline from Montreal to Sarnia has been reversed. That means that raw oil can be shipped into Montreal and, by the reversal of the pipeline, can come directly to Sarnia. So that's another great aspect of our infrastructure. That's a change we spoke to Ottawa about over the last couple of years, and now that change has occurred.

Of course we have an exchange rate advantage. So we have a lot of great advantages in this province, but I want to keep coming back to the construction costs.

We know that Ontario is very business-friendly. The tax cuts also that we have instituted over the last three years have been very well received by all aspects of business, particularly the petrochemical industry. Also, we have been told all future construction is carefully considered, and considered in the light of the tax system in a jurisdiction. Our taxes have decreased dramatically.

However, in Sarnia there has been a consistent problem in that a single union can destroy a construction agreement. This situation has dramatically slowed the building of new facilities for the chemical and the petrochemical

industry. I have seen it and I have heard it at first hand. Therefore, Ontario, particularly Sarnia, has been losing out to Houston or Alberta. I've had the opportunity to visit the port of Houston in the United States, and also to visit in Alberta to their petrochemical industry. They, of course, have lower taxes than we have, and we are watching those jurisdictions so that we can try to keep our taxes from going lower, and we will do that in the future. But we have accomplished a great deal in the tax area in the last few years.

I've heard over and over again, "If you can change things, we will be there in Sarnia," and the things that they're talking about are the construction rules. Some \$50 billion of new money is going to be invested in the chemical manufacturing industry throughout North America over the next few years, and close to \$4 billion of that is earmarked for Alberta. You notice I have said nothing about what has been earmarked for Ontario up to now.

Ontario needs to be competitive. We need to change our construction rules, and that's what the Minister of Labour has done with this bill. The Economic Development and Workplace Democracy Act would amend the Labour Relations Act of 1995 to address competitiveness in the construction industry. This legislation would bring about project agreements that would help businesses compete for significant projects for the chemical and petrochemical industries. That is what I was referring to earlier. That is what the industry has been saying to us: "If you make this change in the construction system, then we will be in Sarnia and we will be big investors there."

The local unions which will be supplying members to the projects that I'm talking about would negotiate the agreement directly with the proponent. If 60% or more of the local unions approve the agreement, it would be binding with respect to all work on the project within the trade jurisdiction of the local unions that were given notice of the negotiations. I think this is a democratic way of dealing with projects. It speaks to one of the issues that has been raised with me over the past three years, and I've been referring to that throughout my speech, and that is the unpredictability in dealing with our system of union negotiations.

The chemical and the chemical products industry is the fourth-largest manufacturing sector in Ontario after transportation, equipment, food and electronics. We should be proud of that industry, and within the chemical sector, the petrochemical industry is the largest sector. Ontario is a prime location for the chemical industry. Currently, chemical shipments from Ontario are 47% of the Canadian total. Just think of how that per cent would rise if we can increase the facilities in Sarnia.

I want to speak particularly about the companies located in the Sarnia area. The Sarnia area is home to five refineries and 17 petrochemical plants. With this combination of plants and refineries, along with two plants in nearby Michigan, this area is known as the Sarnia complex. It's known throughout the world and I've heard from companies throughout the world saying, "Why don't you capitalize on that facility, that complex in the Sarnia

region?" I have said to those companies that have spoken to me over the years, "Our biggest problem is the labour construction situation." The Minister of Labour is going to resolve that.

Our third most active port, Sarnia, accounts for roughly 8% of Canada's combined exports and imports. The primary advantage enjoyed by firms in the Sarnia complex is their proximity to key US and Canadian markets. After all, if you are a supplier of raw materials to the manufacturing industry throughout North America, and now because of the free trade agreement down into South America, just think of the increased productivity we could have in Sarnia to provide the raw materials that manufacturing companies need throughout North America and South America and indeed the rest of the world.

1610

The primary advantage enjoyed by firms in the Sarnia complex is this proximity to these markets. Within a 500-mile radius or one day's trucking distance lies about 50% of the population of the United States and Canada. Think about that — 50%. We have the infrastructure. We have some of the product they need. With this change because of Bill 31, we'll be supplying a lot more of the products that are needed throughout the world and this will create economic development and jobs in the Sarnia area.

Obviously, the economic wellbeing of the chemical industry is very critical to that region, because when you expand, of course you have construction jobs, but once the construction jobs are finished, then you have more jobs on a permanent basis. Then the word gets out around the world that Sarnia and Ontario is a place where we are completely competitive because of Bill 31's changes, and then we are going to have much more happen in Sarnia. Success builds on success, confidence builds on confidence, and I think Sarnia will be a huge beneficiary of Bill 31.

The bottom line, of course, is it means jobs. As you know, we made a commitment to create a large number of jobs which we're well on the way to creating. We will create even more in our next term.

I have met with representatives of the industry both here at Queen's Park and in Sarnia and they've shared with me their concerns and frustrations with the existing labour legislation and its implication for their future plans. In a 1997 year-end survey released by the chemical manufacturing industry, plant construction costs were identified as a key barrier to new investment. So it keeps coming back and back and back, not only in 1995 and 1996, but still in 1997.

The industry looks for a track record in a jurisdiction when considering new or the expansion of existing projects. That's what I have been saying. As I have travelled around the world talking to companies in this field, they have said, "Build it and we will come." I think that is what's going to happen because of Bill 31.

Cost estimating procedures are based on experience in a region. They are very keen and accurate on assessing the cost situation. This Competitive Alternative book, which comes out every year by KPMG, highlights what's going

on in Canada and the parts of Canada. I'm happy to say that since we got elected, Ontario gets mentioned quite often in this study as having some of the best statistics to attract companies to this region.

Representatives of the chemical industry have told me that this legislation is a step in the right direction. Dennis Lauzon, chairman of the Canadian Chemical Producers' Association, said on June 4:

"These amendments are good for Ontario as they will create a competitive and attractive environment for investment in the province. This in effect opens the door to a pool of potential new investment of some \$2.5 billion to \$5 billion."

That is a lot of construction, that is a lot of jobs and that's a lot of economic activity. That's what we want in this province.

The new legislation could mean up to 42,500 jobs in the province.

According to the CCPA's calculations, each billion dollars of new investment in the chemical refinery and related sectors means about 8,500 new jobs in construction and in other sectors of the economy.

But not only does it create the construction jobs, it also creates the permanent jobs for the refineries that are produced. Of course, it also gets the message out that Ontario is open for business, more so than ever.

Bill 31 attracts investment and it creates jobs. As I have said before in this House, this government listens and responds. As this government continues to build the confidence of investors and businesses in the climate here in Ontario, everyone benefits. Our wish is that when the economic tide comes in, all sectors of the economy rise. I think that is what is happening. We want more jobs. We want more opportunities for our workers. We want an expanding tax base because the more we have happening in this province, the more profitability occurs, that means more taxes for this province. That is what is happening now, as we see from the Minister of Finance's recent budget, and we are going to have even more of that because of Bill 31.

I am proud to stand in this Legislature today and tell you that I believe Bill 31 will continue to move Ontario in the right direction, to be more competitive and attract investment from the chemical and petrochemical industry.

**Mr Len Wood:** Lots of strikes.

**The Deputy Speaker:** Member for Cochrane North.

**Mr Saunderson:** This is an industry that deserves our support. I am very pleased to have had the opportunity to work with the Minister of Labour, to be involved in this debate. I'm very thankful to him and to that industry that Bill 31 is going to be producing the economic development, the jobs and the proper economic climate in this province to move it ahead and keep it moving ahead steadily as it has been in the past.

**The Deputy Speaker:** Questions and comments?

**Mr Alex Cullen (Ottawa West):** It is interesting to hear the comments from the members opposite with respect to this bill, the so-called Economic Development and Workplace Democracy Act, which significantly is an



intrusion into collective bargaining in the construction trades industry.

One of the reasons the member opposite talks about why this bill is needed is this mantra that there has to be more or a better level of competitiveness in Ontario with the rest of the world dealing with industrial development or what have you. I have to quote back the words of the member for Eglinton, who quoted, and I have the article right here — there was a KPMG survey about the status of Canada in terms of competitiveness around the world. The headline to the article was, “Canada’s Construction Costs Lowest” and to quote the trade and tourism minister at the time, the member for Eglinton, “We’re leading the industrial world in competitiveness.”

It just begs the question therefore: Why are we having this bill coming in and intruding upon collective bargaining in the construction area? Why are we having these amendments being made to the collective bargaining process that over time has proven its worth? Why are they sticking their noses in here? According to this same article, Canada is among the lowest in terms of investment costs, labour costs, transportation costs, electricity costs, telecommunications costs, interest costs, and even our corporate income tax burden is among the lowest in the world.

Here on the other side, the member for Eglinton is saying, “We need this bill,” but just a few months earlier he was standing up and crowing, “We are leading the industrial world in terms of competitiveness.”

Quite frankly, this bill is not needed, but it fits another agenda that this government has which is to tilt the balance in terms of collective bargaining. This government will find it will increase costs rather than reduce costs.

**The Deputy Speaker:** Further questions and comments?

**Mr Wildman:** I’d like to comment briefly on the remarks of my friend from Eglinton. I know he is convinced that this piece of legislation will improve the competitive advantage of Ontario, and that’s basically why he is in support. Unlike the member for Ottawa West, though, I don’t think the situation is such in Ontario that, as he put it, “This bill is not needed.” In fact, I think the bill will have the opposite effect from what the government members believe it to have.

I am most concerned about the letters that have been sent to the Minister of Labour today by the representatives of the construction trades; by Mr Pat Dillon, the head of the Provincial Building and Construction Trades Council of Ontario, in which he predicted that there would be work stoppages, there would be strikes, there would be disputes as a result of this bill if it passes as it is now. He requested that the bill be withdrawn.

Surely if Mr Dillon is right — if he’s right — that will hurt the competitive advantage of this province and in particular Sarnia and Lambton. I wonder if the member for Eglinton has taken that into account. Surely if there are all kinds of disputes and chaotic situations in the construction industry because of problems related to this bill, that will hurt the investment climate in Ontario; it won’t

help it. It won’t make Ontario more competitive; it will make us less competitive in terms of the member for Eglinton’s comments in this House today.

I would really like to hear from the government if they are prepared, if the Conservatives are prepared to hold hearings on this bill so that we can hear from Mr Dillon and his colleagues and we can also hear from the representatives of the construction industry, construction companies, their views about this bill, so that if this government is determined that we move forward with it, at least it can be improved so we don’t have this chaotic situation that will hurt the investment climate in Ontario.

1620

**Mr Bart Maves (Niagara Falls):** I want to compliment the member for Eglinton for his speech. He’s a very wise man who understands the world’s investment community in a unique fashion. As the former Minister of Economic Development and Trade in this government, he deserves a lot of credit for the economic boom that’s happening in Ontario today.

He was rudely interrupted when he was making his speech, when he talked about visiting plants around Ontario. Someone shouted, “Did you talk to the workers?” Of course he responded, “Yes, I talked to the workers.” The most important thing the workers said to him was: “We like to work. We appreciate the jobs, and the booming economy is what’s vital to us.”

I’ll tell you of another man who talks to workers: the Premier of this province. When he opened a plant, when he celebrated 1,000 new jobs in the Brampton Chrysler plant recently, after they were finished and the other dignitaries stayed up on the platform, the Premier walked down among all the workers in that plant and took picture after picture with those workers, who said: “We appreciate what you’re doing. We appreciate the jobs climate that you’re bringing to Ontario so that we can continue to work and so that our kids will have a bright future.”

With regard to the project agreements, the member for Eglinton correctly pointed out that these project agreements will create work by giving the go-ahead to many construction projects throughout the province. Not only will this create work for those people in the construction industry, but after these plants are built there will be jobs for those construction workers’ brothers, sisters, cousins and kids to work inside these plants for many years to come in good, high-paying jobs that are going to make Ontario continue to boom for many years.

It’s also important to note that 60% of the unions themselves must agree to a project agreement. That’s democratic. It’s not union bosses in Toronto who must agree; it’s the local unions, who know how important work is to their membership.

**Mr Jean-Marc Lalonde (Prescott and Russell):** It’s very interesting to hear the comments of the member for Eglinton. We all support a bill that would stimulate the economy, but I wonder what this government has done for eastern Ontario. Today we’re talking about stimulating the economy in the Sarnia area. In eastern Ontario there are 14,000 to 17,000 construction workers who come from

outside the province. This government hasn't done anything yet to prevent this from happening and to try to stimulate the economy of eastern Ontario.

We know that at the present time in the construction industry we've lost 19,000 jobs over a period of seven months, right up to January 1998. But what has this government done? We know 14,000 to 17,000 of those jobs go to Quebec contractors. Today we're saying that Ontario is open for business. Will it be open for the construction contractors or people coming in from outside the province who will not pay any taxes to Ontario? This is why we are fighting at the present time. We don't want to prevent those people from coming to Ontario, as long as it goes both ways. We want a level playing field.

Today, because we're talking about a major industry going to Sarnia, we're ready to get on the wagon and pass legislation to support this construction that would be going on in Sarnia. But are we going to do the same thing for eastern Ontario, the Ottawa, Hawkesbury and Prescott and Russell areas, and right up north, the Hearst and Kapuskasing areas. With Sarnia, definitely I agree that we all work for the economy of this province.

**The Deputy Speaker:** The member for Eglinton.

**Mr Saunderson:** I would like to conclude my comments by saying that our construction costs, as we have noted them in both the 1996 and 1997 versions of the KPMG report, are reported as being very low, but quite frankly, they're just not low enough for the Sarnia region, for the competitive petrochemical industry around the world. You have to travel to see what's going on there. Concessions are made so that these plants can be built on a cheap — well, on a reduced-cost basis. They do compete seriously with us.

That is why I am so enthusiastic about the bill that we're talking about today. No matter what we all might say in the House, the fact is that construction has been very limited in the Sarnia region. Yes, Bayer has made a new plant and I don't dispute that, but there's more to come from Bayer. They're waiting for this change to happen. I could mention Dow, I could mention Imperial Oil; Nova is another. There are a lot of companies sitting, waiting to see what's going to happen in that region.

But it is a worldwide industry and that's why my comments are so fixed on this particular industry today. I have worked with these people since being elected in 1995. I have met with them and tried to bring other ministries together to talk about their problems. I'm so pleased to see something now happening. We show that we are responding to their concerns.

I thank the member for Prescott and Russell for saying, I think, that he supports this bill, that he wants this to go through to support the Sarnia region. I'm hopeful that we can continue to help all regions of Ontario in the future.

**The Deputy Speaker:** Further debate? The member for Scarborough North.

**Mr Curling:** Madam Speaker, I want to thank you for giving me the opportunity to speak on this bill.

Before the Conservatives get off on this rampage about my colleague from Prescott and Russell supporting this bill, you should go back and read Hansard, where he said of course he supports construction and he hopes that some of the things you're talking about are done all across the province, not in the kind of dictatorial manner in which you are doing them. I encourage you to do that.

Let me see if I've got this thing right. I understand that Bill 31 is entitled the Economic Development and Workplace Democracy Act. When introducing this bill, the minister said, "It is an appropriate title for an important piece of legislation." Funnily enough, somehow when I read his speech and listened to him, I didn't see anything about democracy in all of this, whether this was a democratic approach at all. He completely omitted making proper reference to democracy in that tone.

Later on in the speech, he mentioned: "Ontario has to develop innovative ways to attract outside investment. Bill 31 would do that. It would enhance competitiveness in the construction industry by creating a framework to negotiate specific agreements for major industrial projects in Ontario."

Basically, he's going to dictate what should be done without any consultation or anything at all.

I'll just make one other comment on what he said. "Ontario has had province-wide construction collective agreements since 1978. Those collective agreements have helped create a certain amount of stability in the construction market but they haven't allowed the flexibility that Ontario needs to compete nationally and globally for major industrial projects."

It is evident that this government intends to destroy collective agreements. Let me for a moment just remind them what happened to the previous government when they tampered with collective agreements. You can recall that. People stood up and protested in every form. As a matter of fact, they paid the consequences and are not in power any more. I hope that when the unions and the members of the unions see the tampering with their collective bargaining agreements that this government intends to do, they will throw these bullies out and make sure that democracy reigns once more.

I can recall, of course, even when people resisted, when this government tried — and the people have not forgotten the OPSEU strike outside. The people protested very fairly. What happened? They brought in the riot squad. You'd think that you were not in Canada any more. This is the kind of attitude this government has taken.

**1630**

Our party has told you straightforwardly that Bill 31 is not the way in which you should go. As a matter of fact, we talk about having more openness, more people coming in for representation and not pushing it through as quickly as possible. I think you feel that as the opposition we oppose because we intend to oppose, but what we are doing reflects what the people of Ontario are saying. In my constituency in Scarborough North, people have spoken against this bill, the way it's going to go.



Of course everyone wants to have a job, everyone wants to be treated fairly, everyone wants to hope and think that in this democratic society they will get their say. We're not the only ones saying that. Many of our colleagues have emphasized that they have written comments and statements from people who are much closer to it than we as members of Parliament. Many of my colleagues have read from the trades council of Ontario, and it's important for me also to make some comments about that, because in my constituency people also refer to that.

I have a copy of that letter that many of us have read and that went to the minister as recently as today, signed by the business manager for the Provincial Building and Construction Trades Council of Ontario. It says to the minister, "You do not speak for us and have been misrepresenting our position."

It couldn't be clearer. This is an organization which represents 100,000 members and has said you do not speak for them, and further, that you misrepresent their position. It goes on for the one line that tells it all: "The building trades oppose Bill 31 in its entirety!" They go on to tell you where they oppose that.

This government somehow never gets the message. They feel that having acquired the power in an election, they don't need to respond to the people at all, that they have all the answers. They will dictate, they will not have consultation, they will ram bills through the House as quickly as possible. When it comes to time allocation, I think they have broken the record everywhere. When things come to the House, we have limited time in which to respond, limited time to research the document itself and put very pertinent information on the table.

However, our thanks to those groups outside who have been living with some of these concerns and have been able to address this in writing, but they are being denied the right to make good representation before the committee.

The words we say here and the emotion we may express here will not influence this government one bit. They will ram this thing through in their own bully way, with their own bully tactics with which they feel so comfortable. As the Premier says: "All the bully tactics I have done, I make no apologies for. I feel that absolute power will give me this absolute way of doing things."

However, we know that when election time comes, people like the trade unions will make sure this doesn't happen. The teachers are another group extremely concerned at the attitude. Just the basic attitude and the demeanour of the members of the Conservative Party tells you of the arrogance and how far this can go.

Today we saw the response of the member for Scarborough East, Mr Gilchrist, and his threatening manner to a principal, threatening these teachers by cutting off their grants and scholarships. This is the ultimate bullying approach that this government has continued to carry on here. But the time will come when they themselves will be responding to the people, and they await.

I can recall a Tory cousin of theirs, Brian Mulroney, who in his time ignored the people. No one would believe

that the largest majority in this country could be reduced to two members. That's what democracy is all about, and that's why I'm so confident that the people will not forget the way this government has continued to deny the people.

Let me say, though, that we are requesting full public hearings on Bill 31. We are requesting that these not be curtailed to short presentations, where people haven't got adequate time to express their concerns about the way things are done. Of course, there are businesses that would like to come in and do their jobs. Everyone here would like to make money, would like to make a profit. So would the workers. They would like to be adequately paid to work under good conditions.

The minister mentioned how mobile capital can be, that if they don't invest here, they can go elsewhere. What would stop them if they feel they can get cheaper labour at terrible conditions elsewhere? But again, we continue to speak from two sides of our mouths. One is to say we have the best standard of living in this world. The reason for that is because of good collective bargaining agreements, because of respect for democracy. But this Conservative Mike Harris government, the power he has — he can destroy that, because he's here forever.

When the time comes for representations before the committee, I appeal to this government, if you're talking about democracy, give them the time to speak and to make their presentations heard. If they want good legislation and a good Bill 31, that's the kind of bill we will support, when we see that the people have had their input and it is done in a democratic way. I look forward to those changes to come very shortly.

**The Acting Speaker (Mr Bernard Grandmaitre):**  
Questions and comments?

**Mr Len Wood:** I want to comment briefly on the speech of the member for Scarborough North. It's quite obvious, as he pointed out, that there is no support for Bill 31 from the Provincial Building and Construction Trades Council of Ontario. As the member for Algoma pointed out earlier, there's a letter from Brother Pat Dillon, and we're fortunate to have him here as a guest in the audience as a witness to this. Some of the things he has said in here — he's saying very clearly to the Minister of Labour: "You do not speak for us. You are misrepresenting our position in some of the comments you have made in the House on June 11. The building and trades oppose Bill 31 in its entirety," and they go on to say all the reasons why they oppose it.

It's quite obvious that the sections that are in there, the amendments to section 11 which will allow employers to fire, threaten and terrify workers who are voting against a union, the language they've put in there turns the clocks back 50 years. That's not what the people in the province of Ontario are looking for, to turn the clocks back 50 years to have labour peace in Ontario. Bill 31 is not going to do it. There is just too much opposition to it.

If you look at the signatures representing all the construction unions right across Ontario, opposition is there big-time. The consultation they had out there — when the Minister of Labour brought in the bill, it was something

different altogether. It's not what they were being told was going to be carried in Bill 31. As a result, any support that was out there for public hearings and amendments that could be brought in to Bill 31 has disappeared because of the bully tactics of this government.

**Mr Marcel Beaubien (Lambton):** It certainly is a pleasure for me to make a couple of brief comments on Bill 31. I'd like to comment on some of the comments that the member for Scarborough North made. He said, "The government never gets the message." Let me tell the member for Scarborough North that this government does get the message. Consultations and meetings have been going on for well over a year between the unions and the corporations and labour representatives, construction representatives. I have personally met with some of the union membership and some of the construction associations, along with some of the corporations.

There is no doubt in a democratic society that whenever a government proposes a bill to change legislation, you're going to have some people who will be happy about it, and some people are not going to be very happy about it. On Monday I did discuss the issue with one of the local business agents, Local 663. They have been very vocal in the past, and I don't blame them for being vocal. However, they have to realize that their membership in the past five, six years has been experiencing a high level of unemployment. That is the reality of the economic situation in Sarnia-Lambton. I think this government saw fit to take an opportunity to try to resolve the situation. As the member for Prescott and Russell mentioned, there was definitely a tough economic situation in Sarnia-Lambton in the past number of years.

This government took the opportunity to negotiate between the corporations, the labour unions, the construction unions. Of course, at the end of the day, there's no doubt that some groups will be happy and some groups will not be happy, but we all have to realize that in a democratic society that's exactly the way the system works.

1640

**Mr Cullen:** I find it ironic that we hear the members opposite talk about a democratic process and they don't understand the amount of effort and blood and toil that went into developing one of the finest collective bargaining processes in the world here in Ontario; yet this government's going to step in and, instead of letting the free market dictate how the price of labour is going to be, how the costs of construction projects are going to be, they're going to dictate through this bill what's going to happen there in collective bargaining.

For a government that was elected to get out of the face of both industry and labour and the ordinary taxpayer, here is their heavy hand coming in. And what has it provoked? Well, here we have the letter that just came in June 16 to the Minister of Labour from the Provincial Building and Construction Trades Council of Ontario that says quite explicitly, "Withdraw Bill 31 in its entirety!"

Who has signed this? Indeed, it's the International Association of Bridge, Structural, and Ornamental Iron

Workers and Rod Workers. It's the Bricklayers and Allied Craftworkers. It's the International Union of Operating Engineers. It's the Pipe Trades, the Millwrights, the Elevator Constructors, the carpenters, the painters and allied trades. The list goes on and on and on, and they are vociferous in their condemnation.

Here's a government that says, "We've been consulting with the trades councils, with the labour unions," and using that as a smokescreen to come in and talk about improving competitiveness. But we already know from the member for Eglinton's own remarks earlier on that the issue of competitiveness is not before us today. We're doing very well, thank you, in the international marketplace for competitiveness.

The construction trades don't want this bill; they don't like this bill; they ask you to withdraw this bill. In terms of industrial democracy, do you not understand how this stuff came about? Initially, 40 years ago, we didn't have this kind of legislation. We learned that we needed it. This government is going backwards.

**Mr Christopherson:** I want to compliment the member for Scarborough North for, as always, focusing on the issues that matter. I was interested to listen to the member for Lambton respond that there had been consultations. They've slowly kind of modified all this, "We're working closely with people." We started out with the minister saying just yesterday, and I quote from Hansard, "I'd suggest to the editorial writer of the Toronto Star that they read the bill, that they listen to the building trades unions...."

"That they listen to the building trades unions." Why don't you listen to them? There's the president of the Provincial Building and Construction Trades Council of Ontario right there. Here's his letter. What does he say about the consultation? Listen to this: "We met with your ministry for over one year in trust and in good faith. You have betrayed that trust and demonstrated bad faith." That's what they say.

Why don't you listen to your own minister, take your own advice, and listen to what the labour leaders are saying? Listen to what they're saying. You talk about wanting to help the construction industry. Look, without the tradespeople you don't have a construction industry. What do they say about what Bill 31 is going to do? Listen:

"By introducing a bill that is viciously anti-union, you have decided that there will not be stability in the construction industry. You have decided that Ontario will not be open for business."

Do you honestly think all of this is going to help the construction industry and help our communities when you've got every single trade union member up in arms over what you're doing? And at this point we don't even have a commitment that they're going to hold public hearings. They're going to ram this sucker through, just like they have every other piece of anti-union legislation they brought in.

**The Acting Speaker:** Further debate?

The member for Scarborough North, two minutes.



**Mr Curling:** I want to thank the members for Cochrane North, Ottawa West and Hamilton Centre for their comments. The member for Lambton was rather amusing. He said, and I think he quoted me right, "You have not listened, or maybe you have listened but you haven't heard." Maybe that's the important part, because the one area he heard was the union that said they like it, not the other hundreds and hundreds of members who said: "We don't support this bill. We don't support, not only the bill but the approach in which you carry out this bill, the undemocratic way, the continuous bullying, the continuous way of denying people to make presentations." Then he said, "We have listened."

You have not listened, and the fact is if you could stand up today and commit yourself to a full public hearing on this, then I would say that somehow you have one of your ears cocked enough to realize that you have to respond.

Bill 31 is not going in the direction we talk about: democracy. It is typical of the way you've conducted business since you got elected: the bully, pushy approach; the way you close yourself down; the way you have made sure we cut debates to the minimum; the way you have made sure you get out of the House; the way you have not been here to be accountable to questions and answers; the manner of ultimate power; and the "We are untouchable."

Maybe you have been fooled by all the funds you are getting from the big corporations to fund your election and have said: "We don't need anything more. All we need is money." Let me tell you something. The people of this province are much more powerful than the money you will get in your coffers, because they can speak much more profoundly than the dollar you have in your budget to talk about running an election. I say to you, make sure we have public hearings on this.

**The Acting Speaker:** Further debate?

**Mr Len Wood:** It's unfortunate the rules have been changed in this place to limit the speakers to a very short period of time, especially on the bill we have here. If you talk to any of the working men and women out there, they are saying, "Why put such a name, An Act to promote economic development and create jobs in the construction industry, to further workplace democracy and to make other amendments to labour and employment statutes, on something like that?" It looks so phoney.

We look back at Bill 7 that was brought in last year or the year before to allow the use of strikebreakers and scabs in the workplace, and now Bill 31 in its present form is not acceptable the way it is. Whether public hearings are going to bring forward enough amendments to make changes to it, at this point in time the government looks as if it's going to try to sidetrack the public hearings and ram this bill through before the end of June. Next week will be the last week of this sitting of the Legislature.

We have letters, as I mentioned earlier in comments, from Brother Pat Dillon, the business manager and secretary-treasurer of the Provincial Building and Construction Trades Council of Ontario, addressed to Mr Jim Flaherty, Minister of Labour, 400 University Avenue. I'm sure he

must have copies. They're addressing the very serious concerns they have. They say, as it presently stands right now: "The building trades oppose Bill 31 in its entirety. We oppose" because of the amendments in there, "the amendments to section 11 which will allow employers to fire, threaten and terrify workers into voting against" a particular "union."

This goes back 50 years. I can recall, back in 1963 when I was working in the pulp and paper mill in Kapuskasing, there was a strike at Reesor. Because of the labour laws that were on the books at that point in time, it allowed union and non-union workers to come to blows. As a result, one group took out hunting rifles and decided this was how they were going to solve their labour dispute. As a result, we had three people dead and six injured and taken to hospital. Sure, the six recovered, but for the other ones, there's a monument between Kapuskasing and Hearst at Reesor Siding.

**1650**

This is the type of legislation that we're now seeing Mike Harris and his buddies bring in. They are going to roll back the clock 50 years. When you look at the reason they are doing it, it's only for the sake of trying to raise money from the large companies out there that are going to fill up their coffers so they can buy the election when election time rolls around.

They don't care a single bit about ordinary working men and women. They've rolled back the labour laws to the point where we're going to end up with Ontario being shut down. There's going to be nothing but turmoil in the construction industry right across Ontario, because before you bring in a piece of legislation of this kind, you should have consultation and try to come up with a consensus opinion on how the legislation is going to be worded.

We have one letter here from Pat Dillon to the Minister of Labour. We have another letter here from George Ward, business manager of the Ontario Sheet Metal Workers' and Roofers' Conference. He has pointed out a number of comments that the Minister of Labour and other Conservative members made in the Legislature on June 8. He has gone on to state the facts, what the minister is saying in here and what the facts actually are. He even quotes the member for Niagara Falls on a project in Sarnia. Then he goes on to say that these are the facts, that what he's said in the Legislature is not actually what is happening. At one point in time it looked like there could be a fair understanding over the project agreements, but because of all the other nasty, bully tactics they've included in this piece of legislation, support for Bill 31 in its entirety has gone.

I will be one of the people standing in my place demanding that this piece not be allowed to have third reading before the end of June, and that we have public hearings right across this province to get feedback from the ordinary working men and women in the construction industry and also from some of the employers, because I'm sure there are a lot of employers out there that do not want to have conflict, strikes and walk-outs, on a continuous basis because of what Mike Harris and his Minister of

Labour are doing to all the collective agreements in the construction industry.

They've already attacked all workers, as far as Bill 7 is concerned — the anti-union bill that allows major changes to all of what's considered to be fairness in labour-management agreements. A lot of that was recognized by Bill Davis back in 1975 when amendments were made. Now we have a Premier who is rewriting history, and not for the betterment of the people in Ontario, but to turn back the clock to what he calls the good old days.

He's basically written off northern Ontario. The minute you get a Premier who comes from northern Ontario, who goes up to North Bay and stands there and turns his back to the rest of northern Ontario, that's what you get. Now he's attacking the whole construction industry in southern Ontario by making changes and amendments to the Labour Relations Act that are going to do nothing to turn the economy of Ontario around.

One of the comments here says that if the Minister of Labour wants to help out the construction industry in Ontario, he should resign. He should resign immediately and allow somebody else to step into his place, because after going out and consulting with the construction industry and telling them, "This is what we're going to do; are you people going to be happy with this?" then he did a complete 180-degree turn and brought in something that is the opposite to what the construction trades unions thought was going to be before them.

It doesn't make any sense in this day and age to allow union and non-union workers on to the same site and to do the same work, because the end result of that is that you drive wages down. A lot of people have a hard time making ends meet now with the wages that their getting, even if it might be \$18, \$19 or \$20 an hour. There's no way we want to see people brought down to the bare minimum wage, which is around \$7 an hour. This is what we know the Minister of Labour and Mike Harris would eventually like to see in Ontario, and we're not going to allow it.

We know that it's quite obvious the Conservative government cannot get re-elected to another term. They're walking on their last legs now. You see them all walking with their heads down, knowing they've only got another eight or nine months and then they'll be going back to their other jobs and it will be another NDP government in the province. This is what I'm sure the construction union workers out there, and even some of the companies, are going to be looking forward to, seeing that there have been too many major changes, a lot of them in the wrong direction, over the last three years.

Now we're heading into the fourth year of this government. It's time they start listening to people. They haven't listened to people up until now and it looks like they're not going to, but I hope the requests the construction industry and the union rank and file and the leadership are making for public hearings right across this province are heard.

I hope the Minister of Labour will pay attention to that and not take this into third reading without having two or three months of public hearings right across this province,

because we have a flawed bill. It will not work the way it is. There is no consensus. There is no support for Bill 31 out there from the workers or from the labour movement. Probably even half of the companies are not in favour of it because they know Mike Harris is going to be banging on their door and saying, "Look at what I did for you, I need \$1,000," or "I need \$50,000 to run my campaign in the next election." Not all of them are going to want to come up with that kind of money.

This is the main reason a bill of this kind would be brought in, for no other reason than to try to get contributions into the Tory coffers so that they can buy the next election. So public hearings are important. If they're not being held, we're in trouble in this place in the province.

**The Acting Speaker:** Questions and comments?

**Mr Maves:** I just want to address one of the things the member opposite talked about. He quoted from some letters, some of the folks in building trades in the letters, and I have one here, "There is nothing in Bill 31 which the building trade unions support, including the provisions on project agreements." He also quoted from a letter —

**Mr Cullen:** What date is it?

**Mr Maves:** That's June 15, very recent. He also talked about a letter from Mr Dillon signed by members from the bricklayers and electrical workers and millwrights and so on. Here's the problem I have with those recent letters: July 18, 1997, Final Proposal to the Minister of Labour from the labour representatives of the industry committee. What did these same members who signed these letters here support at that point in time? "All provincial... agreements shall be amended to include the following provisions.

"Project agreements

"...Issues for consideration for a project agreement are standardized hours of work and no strike/no lockout provisions or any other provisions which the parties may agree to which apply equally across the board..."

They also said in the agreement, "The government of Ontario has clearly expressed its desire to attract new business to the province. This proposal addresses concerns of owner-clients in ensuring uninterrupted construction for the duration of the project. This process allows for increased flexibility so construction costs are not the limiting factor in determining Ontario's suitability as a jurisdiction to do business."

Who's it signed by? It's signed by George Ward. He signed the letter that the member for Hamilton Centre talked to from the sheet metal workers; it's from the millwrights, it's from the carpenters, it's from the boiler-makers. The same people who in July supported project agreements here are now — and I understand, politics being politics, you may have to do this — today flip-flopping and saying they don't support project agreements. I rest my case.

1700

**Mr Lalonde:** I understand some of the concern brought to our attention by the member for Cochrane North.

If I look at some of the letters that we've received here, one dated June 16 and the other June 15, I can see that



apparently the minister had met those people concerned. But I don't know if we have gone into detail in the discussion that we had, because according to this letter those people are very upset, and they represent quite a few union representatives. Also, the letter on the 15th is clear: "If passed, Bill 31 will cause chaos and instability in the construction industry."

I've said many times in this House that at the present time the government hasn't done much for the construction industry. Today they are coming in with this Bill 31, especially for one sector of the province, but what have they done? When the American embassy was under construction in Ottawa, the construction was done by a Quebec contractor and there was an evasion of \$2.718 million in taxes, and the government hasn't done anything. Today, because it does affect an area which is represented by a member of the government, we're doing everything to protect the construction workers of that area. This is only one example. Axor Construction. How about Mirtech from Concord, Ontario? They were the successful bidder and won the contract but they couldn't do it. Right here in Ontario they couldn't do it because Quebec contractors were coming in and they were \$183,000 lower than the Ontario contractors. But Ontario hasn't done anything.

**Mr Wildman:** I want to congratulate the member for Cochrane North on his presentation. I am a little bit confused, though, by some of the comments made by various members about the member for Cochrane North's remarks.

First, it doesn't appear to me that the member for Prescott and Russell really understands what's happening in terms of Lambton and Sarnia. He seems to think this bill will protect the workers, when the representatives of those workers in Lambton and Sarnia have themselves written letters saying that this bill will not do that. As a matter of fact, Mr Dillon, who is here in the gallery, has written a letter dated June 16 to the minister in which he says, "The building trades oppose Bill 31 in its entirety.... Withdraw Bill 31 in its entirety!"

I have the other letter that the member for Niagara Falls, the parliamentary assistant, referred to from Mr Ward. He says:

"In the House on June 11, 1998, Mr Maves stated that project agreements are necessary because the Bayer project did not go ahead in Sarnia. The project has been used as the prime example in support of Bill 31 as it pertains to project agreements.

"In fact, the Bayer project did go ahead and was built in Sarnia at the full ICI rates and conditions. This is proof that the ICI collective agreements are competitive and that they do not act as a disincentive to investment in Ontario.

"You have repeatedly stated that Bill 31 requires that all project agreements are to be 100% union.

"In fact, nowhere does Bill 31 require this."

Then the member for Niagara Falls holds up the July 19, 1997, proposal from the building trades. This is the letter in which they're looking at your bill. There is confusion about this. There is confusion about their posi-

tion. We need to have public hearings. Will the government agree to public hearings?

**Mr Bill Grimmitt (Muskoka-Georgian Bay):** I'm pleased to make some remarks on the comments made by the member for Cochrane North. I listened very carefully as he made his speech and I noted that there was a lot of doom and gloom, a lot of general remarks about the labour policy of our government and comments that quite frankly I thought were a little silly. To suggest the terrible labour situation that occurred in the vicinity of Hearst many years ago where people were shot and killed and to actually refer to that as though this legislation would somehow lead to that I thought was rather silly.

I think it would have been much more helpful if the member had commented on the specifics in the legislation. I think it would have been much more helpful if he had talked about democracy in the workplace and perhaps the most high-profile part of this legislation, section 11, where the trade unions no longer can be automatically certified; in fact, the act will allow that the board, instead of automatically certifying a union, will order another representation vote. This is a commonsense amendment. It's one that people in my riding will support.

The member for Cochrane North's suggestion that this legislation will somehow lead to the kind of violence that he has experienced earlier in his life is rather silly, and he did not comment on some of the issues that have been spoken to regarding the construction contracts. The Minister of Labour has acted in good faith in responding to the requests from the construction industry and from labour leaders in the construction industry. We have the documentation to prove that.

**The Acting Speaker:** Further questions or debate? The member for Hamilton Centre.

**Mr Christopherson:** Thank you, Speaker. I'll take the opportunity to comment on the remarks of my colleague from Cochrane North. The fact of the matter is he's right in everything he said. I was looking at the minister's statement the other day, because my colleague talks about what the minister had to say, and the minister brags, "These collective agreements mean the province-wide agreements have helped create a certain amount of stability in the construction market." Hey, you don't have to have a degree in business to know that stability is an attractive factor for investment.

What do the building trades say as a result of what you're doing and what you've done? "By introducing a bill that is viciously anti-union, you have decided that there will not be stability in the construction industry." Do you have any idea of what you are provoking by what you have done here? This is not rhetoric. It has taken a while for people to catch on to exactly what is going on, that's true, but I want to tell you, I know some top-notch legal firms and it took them right up until the day of second reading to do a proper analysis and commit themselves to their analysis of what this bill means and the implications.

The construction industry is extremely complex, and that's the first point we ought to start with, and when there is this kind of division — never mind the historical records

in this case — between the employers, the government and the trades workers, you're setting up every one of our communities where construction is an important part of our economic and job creation climate for chaos. You're causing it, and then you won't even commit to having public hearings to try to clear it up. It looks like what you're prepared to do is accept the chaos and, trust me, there is chaos coming.

*Interjection.*

**The Acting Speaker:** Further debate?

**Mr Galt:** On a point of order, Mr Speaker: The member for Hamilton Centre has already used up his two minutes.

**Mr Wildman:** Mr Speaker, on a point of order: The member for Cochrane North had a reply.

**The Acting Speaker:** A two-minute reply, the member for Cochrane North.

**Mr Galt:** On a point of order, Mr Speaker: I believe, in the rotation, that the member for Hamilton Centre has already used the member for Cochrane North's two-minute time slot.

**The Acting Speaker:** That's not a point of order. The Liberals skipped a turn.

A two-minute reply, the member for Cochrane North.

**Mr Len Wood:** I want to thank the members for Niagara Falls, Prescott-Russell, Algoma, Muskoka-Georgian Bay and Hamilton Centre. The member for Muskoka-Georgian Bay is making a comment that we don't stick to the bill and we're causing fear and anxiety out there. We spend 40 or 50 years building up healthy, strong communities, and then, with Bill 7, Bill 15 and Bill 31, you see Mike Harris and the Minister of Labour tearing Ontario apart. It's an attack on the working families in this province, one after the other. It's anti-union all around. It's going to cause nothing but problems.

We don't even have a commitment. The Minister of Labour walks in here and he walks out. He doesn't even come in and make a commitment that we're going to have public hearings throughout July, August, September, October, November and maybe up until Christmas, until we can get enough people out there that are going to make a representation.

Bill 31, as it is written, will not work. The labour movement and the union leaders right across this province in the construction industry are saying that Bill 31, as is, must be withdrawn. They oppose it. It's nothing but an attack on the working men and women in this province.

1710

Once again, for the member for Muskoka-Georgian Bay to support Mike Harris in his attack on working men and women in the construction industry in this province, along with Bill 7, which they supported before, which legalizes scabs and replacement workers in the workforce, destroys the Workers' Compensation Board and eliminates the health and safety board that was out there — it's just one after the other. It's three years of attack on the working men and women in this province.

If there are no public hearings held in July, August and September, you can rest assured that this government is

gone for good. That's it. They'll never get elected again for another 40 years.

**The Acting Speaker:** Further debate?

**Mr Galt:** Thank you very much for the opportunity to speak on Bill 31, the Economic Development and Workplace Democracy Act, 1998. First, it's important to recognize that all the provinces have labour relations statutes which really strengthen the bargaining position of the worker, promote improved and harmonious relationships between the employer and the employees and, third, facilitate settlement of industrial disputes by means of collective bargaining.

With time, there's no question that the system here in Ontario has become increasingly unwieldy, and this has been particularly true during the last term when the NDP formed the government. It has certainly become unfair to employees as well as to employers.

Last week when I was speaking on opposition day, I pointed out just how corrupt some of the system had become, particularly, as I referred, in the case of Highway 407 and how they went about that request for proposal, the tendering process. It ended up that some three unions cut a very nice, sweet, insider deal. It was probably, from what it appeared, in exchange for fund-raising support at their fund-raiser of some \$200 a plate. They certainly didn't set their objectives very high.

The fact is that the only ones who really benefited from the NDP's labour laws were the biggest, most powerful unions and their union bosses. They even sought — and I was quite horrified at the thought — to unionize the family farm. I can't imagine a sadder, sicker situation than trying to unionize a family farm.

If the system indeed is to work, there must be a balance, and it must be maintained, and also a flexibility must be built in. That's really what Bill 31 is about: increasing flexibility of unions in certain contract negotiations and ensuring workplace democracy during certification.

I'd like to focus this afternoon on two key parts of Bill 31: workplace democracy and fairness to small business. Unions, collectively, generally consider it rather unjust that non-union members gain, as free riders, from the benefits of union activities without having to pay the expense. On the other side, some workers feel equally strongly that they don't want to be forced into having to join a union against their will or against their better judgement.

The situation we now have in Ontario is closed shops and union shops, and that has become the norm. Consequently, if you want to work, particularly for a unionized firm, you have no choice but to join the union, either immediately on starting employment or within a given, specific period of time. Compare that to an open shop where employees would be free to choose whether to join or not. Although the second one is certainly a fairer approach, these situations are indeed rare in Ontario. Why? Generally because of union hostility.

In a unionized company, employees are bound to pay dues whether they want to or not. To be truly fair, it seems



certification should be granted only if unions first obtain a majority of support from the workers and workers have the opportunity to express their will through a secret ballot. In a free and democratic society, that's the only way it really should be.

Certainly, laws provide sanctions against the employer and against the union that uses intimidation targeted at employees when they're working towards a certification vote. Regardless, it almost approaches intimidation when there's this heated environment when they're making a public declaration of non-support either for the union or for the corporate management team.

In this case, if you should vote against certification you become the target of the other employees and the union, and if you vote for certification, similarly, you can become the target of the employer. It's something like the school yard bully. You're trapped even though there are laws there to protect you. It's a very ugly social situation indeed.

There's no question that intimidation is wrong in any form. This is easy to remedy. Why shouldn't it work in these votes? Why shouldn't they be private with a secret ballot? We don't ask people to declare their support for the NDP or any other party in provincial or federal elections, so why in this case should it be any different?

Bill 31, the Economic Development and Workplace Democracy Act, ensures union certification if there's a majority of employees who are in favour and when it is indeed by secret ballot. This certainly addresses a longstanding inequity which has been very objectionable in the past.

In the present, there are certain circumstances where unions may become certified to represent the employees without a vote or regardless of the outcome of a vote. Legislation should work both ways. There must be votes for certification and for decertification.

Looking at being fair to small business, in my riding of Northumberland small businesses are paying very high taxes to support publicly funded bodies like school boards and municipal governments yet cannot bid for contract work. Bill 31 amends the Labour Relations Act, first, exempting non-construction employers from construction provisions in the Labour Relations Act, and second, allowing non-unionized subcontractors to bid on work for municipalities and school boards that in the past was restricted to contractors.

Non-unionized subcontractors are small business people in many communities, including Northumberland. Why should they be excluded from bidding on work, particularly public projects, projects that are funded by public money, by their money, the taxes they pay, as well? We must ensure there is a level playing field so that small business does have a fair chance to bid on a whole range of large and small projects.

There is no question of the importance of small business in the province. Small business is creating the vast majority of new jobs that we've seen come to this province in the last three years. I've spoken on this theme on many occasions. In recent years, small business has

been creating some 85% of the new private sector jobs in Ontario.

Our government has been very supportive of job creation and we have improved this by helping small business through the reduction of the payroll tax burden; we've helped by accelerating the elimination of the employer health tax for the first \$400,000 of payroll, and that will come into effect on July 1, 1998; we've dramatically reduced the bureaucracy and red tape in this province; we've reduced the personal provincial income tax by 30%, and that will be fully in place by July 1, 1998; and we're in the process of reducing the small business corporations tax from 9.5% to 4.75% over eight years. That is a 50% reduction. Eliminating this tax alone will create some 90,000 jobs in this province. These are the kinds of actions we're taking, actions that are foreign to the Liberals and NDP, but they are helping to restore competitiveness and business confidence in this province.

In conclusion, this bill will give small business the opportunity to compete and make investments in jobs in Ontario, which is so important. Everybody talks about job creation. We'll also be strengthening workplace democracy, sending a message to investors that fairness is paramount in the province of Ontario. I don't know how any member of either the official opposition or the third party could stand up and be opposed to the democratic process we're bringing in in this bill.

These, along with other measures incorporated in Bill 31, will ensure that the democratic process is respected and will also ensure greater stability in the Ontario labour market. For these reasons, I can enthusiastically support Bill 31, the Economic Development and Workplace Democracy Act of 1998.

1720

**The Acting Speaker:** Questions and comments?

**Mr Cullen:** I'm not surprised that the member for Northumberland would enthusiastically support another anti-union, anti-collective bargaining and, really, an anti-democratic bill.

We have laws in this province that forbid people from intimidating anyone going into the voter booth, yet here we have a piece of legislation that only addresses one half of the issue. There should be no intimidation in terms of anyone considering their options of whether or not to join a union. It's in the Charter of Rights and Freedoms that there is freedom of association. Later on, I'm going to relate a personal experience from within the past dozen years or so where this law is important, is a real day-to-day event.

The member for Cochrane South talked about something that happened 50 years ago. I don't think the members opposite understand the origin of this legislation. It was indeed their party, their government, that brought in this legislation, not the NDP, not the Liberals. It was brought in because it made sense. Later on, I'll provide some context so the member for Northumberland can understand how important it is to protect our rights in society, to protect against abuse from those few who

would seek to intimidate. Unfortunately, there are more than we imagine.

The member for Northumberland also talked about how horrible it is in this province to have union shops and closed shops and that people are forced to join unions etc. He needs to understand one of the basic principles of collective bargaining, the Rand formula, and how it is that when you join a workplace and you gain the benefits of what people have struggled for and negotiated for — and remember, over 97% of all labour negotiations in this province are settled peacefully at the table. We are a model of industrial policy in the world because of this. Please remember that.

**Mr Gilles Bisson (Cochrane South):** Boy, these guys are just something else when it comes to speaking about labour laws. They're so anti-labour it just comes out every time they stand up in this House.

**Mr Wildman:** Even when they're trying to hide it.

**Mr Bisson:** Even when they're trying to hide it — exactly the point.

The member for Northumberland asked how the opposition party, and more specifically the third party, can oppose this democratic bill you're imposing on the province that you call the Economic Development and Workplace Democracy Act. It's because it has absolutely nothing to do with democracy.

What you're doing is giving employers the ability to prevent people within the construction trades and others from joining a union. That's what you're doing. Currently, under section 11 of the Ontario Labour Relations Act, if an employer poisons the workplace in trying to stop a union drive, that provision says to the board, "If the employer has done a whole bunch of work to intimidate workers from signing a card, you can grant the bargaining unit the ability to certify." That's where the situation has been poisoned. That's there for a reason. It's to stop the employer from intimidating and harassing workers who are trying to join a union of their own free, collective will. What's this government doing? It's taking that away.

The premise now, once this law is passed, is that employers will have carte blanche. They will be able to do absolutely anything they want when it comes to intimidating a worker, threatening a worker, doing whatever they want when it comes to preventing that worker from signing a union card. You call that democracy. I call that intimidation. It's as simple as that.

You ask, how can I not support this bill? Because it has absolutely nothing about protecting workers' rights, has nothing to do with democracy, has everything to do with trying to bully workers into submission yet again by this government.

**Mr Baird:** I listened with great interest to the speech by my colleague the member for Northumberland. He did an excellent job at laying out the facts and providing a good underpinning for why this legislation is so urgently required.

I did see in the gallery our good friend Pat Dillon from the building and construction trades council. I had a very enthusiastic reception the last time I visited one of their

conventions. The members for Hamilton Centre and Windsor-Walkerville can tell you about the roar of interest throughout my entire remarks at that convention.

The member for Cochrane South got up and spoke. I was reading just the other day the Timmins Daily Press from June 9 and they had an editorial, "Ontario Open for Business."

**Mr Wildman:** Who owns that newspaper, Conrad Black?

**Mr Baird:** Yes, the home newspaper of my friend from Timmins.

"We applaud the decision of the Progressive Conservatives to balance the rights of businesses with those of labour to ensure the province will attract more business and more jobs." I agree with that.

We also look at the Sarnia Observer: "Labour Bill Good for This Area.... This bill also makes the union certification process more democratic." I'll tell you, those people in Sarnia owe a lot of thanks.

We see in the Toronto Sun on the 16th, "The bottom line is this: Estimates are Flaherty's legislation will save 42,500 jobs in the petrochemical industry alone."

When those jobs are saved, those workers will be able to thank the member for Lambton and the member for Sarnia for all of their hard work to save these jobs. They have been outspoken advocates on these issues, outspoken advocates for economic development for the hardworking people of Sarnia-Lambton, standing up for the workers. This bill will do more for the trade union movement. It will create more jobs, more union members, more democracy, more union dues for the unions.

**Mr Gerretsen:** You know, the sad part about all of this is that the government really believes that somehow we will be better off in Ontario if there has been another division created between management, business and labour. They like to give this spin that "We're going to create X number of jobs as a result of this bill being passed," but I think what's much more important is the aspect that if we really want business and labour to work together on these big projects, shouldn't there be at least some consensus about the bill?

The really sad part is this: The Minister of Labour stood in this House and he made it sound as if labour had bought into this bill. He stated, among other things: "Construction employers and trade unions have been discussing the development of such a framework for many months now and I've encouraged them repeatedly in those discussions. These discussions have helped shape the section of Bill 31 that deals with project agreements...." Would you not take from that that the unions have bought into this bill, that they somehow agree with the contents of this bill?

You can well imagine the surprise that all of us got today when in effect we got a letter from the provincial building and construction association, which represents some 20 unions in the matter, in which they say that they completely oppose Bill 31.

All I would ask the people of Ontario is, who do you believe? Do you believe the Minister of Labour when he



says that everybody has bought into this bill or do you believe the construction unions when they say that they totally oppose this bill?

Why don't you get it right? Why don't you get people in this province working together again rather than dividing them the way you're doing?

**The Acting Speaker:** The member for Northumberland has two minutes to respond.

**Mr Galt:** First, thanks to the member for Nepean for his very kind comments and his very thoughtful, intuitive comments about getting jobs and creating dues for the union and all of that.

It's interesting the member for Cochrane South talking about poisoning the workplace. I suggest to him that what's poisoning the workplace was the recent dry-wallers' strike when houses were trashed. That's when the workplace had been poisoned, and I suggest that you think about that kind of poisoning.

To the member for Ottawa West, saying we don't understand what the problem is, I suggest to you, that you don't understand what the problem is. If a union or any organization is worth its salt, people will join it. If it's worth its salt, they don't have to be forced to join a worthwhile organization.

To use the example of various licensed bodies such as the College of Physicians and Surgeons, the College of Nurses, the college of veterinarians, who have lobby groups to work on their behalf, do they force their members to join their association? No, they put forth a worthwhile program and the membership is very willing to join to have a lobby group represent them.

Why, in the workplace, do we have to have unions where you have to be forced into joining? Obviously, if you have to be forced into joining, there must be something wrong with the organization. If the organization is working properly, pressure would not be necessary whatsoever.

I did not understand where the member for Kingston and The Islands was coming from; it was a lot of gobbledegook. I'd like to respond, but it just isn't possible to respond to his comments.

But certainly the poisoning of the workplace is something I object to. Poisoning relates to the thing that happened with the drywallers.

1730

**The Acting Speaker:** Further debate?

**Mr Cullen:** I'm pleased to join in this debate about Bill 31. Bill 31 is entitled An Act to promote economic development and create jobs in the construction industry, to further workplace democracy and to make other amendments to labour and employment statutes. In the typical *Newspeak* or Orwellian doubletalk of this government, it really is a bill to restrict collective bargaining in the construction trades area and as well to provide amendments that will alter the certification process under the collective bargaining rules we have here in Ontario.

Others have spoken very eloquently to the impact on the construction trades industry and how much the construction trade unions oppose this bill and have come out

uniformly asking for its withdrawal. I'm going to speak to that part of the bill that seriously alters the balance of due process under certification, and this is an area where I have some very personal experience. As a matter of fact, it's one of the reasons I'm here in this House, because of something that happened to me 20 years ago that illustrates the necessity of this kind of legislation.

Section 8.1 of this new act has the government's amendments that seek to alter the process of certification. This has to do with the process by which the labour board orders an automatic certification when proof has been found to the satisfaction of the labour board that indeed the employer has engaged in intimidation. I just want people to understand what has prompted the government to bring in such a draconian change to a piece of legislation that has evolved over five or six decades, which today this government takes such an axe to. We heard the member for Cochrane South talk about some of the origins and the members opposite just laughed. They can't imagine the kind of life that was lived before this legislation was put into place.

Let's understand the context here. From 1992 to 1997 there were 4,547 applications for certification of bargaining agents, just over 4,500 applications. Do the members opposite understand how many automatic certifications were done out of that more than 4,500? Twenty-two. So here we have this legislation coming in to deal with 22 automatic certifications out of 4,500. And why does the labour board do this? Because it will have been given evidence — which would also have been contested, by the way — to show that there has been intimidation. As a matter of fact, before the labour board even gives its decision, it holds a hearing. Therefore, the employer will be there with its lawyers and the union will be there with its lawyers. Evidence will be given before a fair hearing and the labour board will have made a determination, yea or nay, whether indeed there has been intimidation.

I would say to the members opposite that whenever there is an organizing drive, we have these laws in place to protect the integrity of the process. Obviously, of the 4,547 application, some 4,522 went through the ordinary certification route where a majority of members voted clearly for their union, either voted or had the majority of cards signed, clearly indicating a majority. For this very small handful of 22, the labour board would have found evidence of intimidation.

Back in 1978, I was a savings supervisor for the Bank of Commerce. In those days the Canadian Labour Congress was engaged in a union organizing effort with bank employees. In my branch, I happened to be interested and I called because I wanted to know what was being offered. We were in a banking industry where over 70% of the employees were at low wages — a pink-collar ghetto. I was a male and I was actually earning more than someone who had been there for 20 years, but I thought that was unfair so I called.

Do you know what happens when you call a union and the bank finds out that you're simply talking to find out what your options are? They send in a SWAT team. They

send in six people: lawyers, human relations officers. They come in, they close down the branch and they interview each and every teller who's there, each and every employee who's there. You're dealing with a small branch of maybe a dozen people, and they close it down and they bring in these people. They sit you down in this room and they want to know whom you've talked to, when you talked to them and why. If they find anyone who has spoken to a union, they fire that person right away. They fire that person, and it's up to that individual to then reclaim their rights under the law because it's clearly an unfair labour practice. That's what happens. People who work in the banking industry who are the tellers are very often single-support mothers or they're a needed second income for their families. This is called intimidation.

The Bank of Commerce, along with many other banks, was brought before the Canada Labour Relations Board and found guilty of carrying on unfair labour practices. One of the beneficiaries of all this was that the Bank of Commerce ended up paying for part of my university education, which gave me a far better background for employment, and here I am today. So we can thank the Bank of Commerce for their illegal activity, which, by the way, they had to apologize for. But I can tell you that they did this with other branches all throughout Toronto. They blacklisted people and they made sure the word got out: You even think of picking up a phone and doing something that's legal in this country, which is to talk to a union, and you're fired, you're gone, you're out of here.

This is precisely why the legislation, years and years ago, was amended, so that people could have free and complete choice, yet this government is going to take it away. This government is going to permit this kind of activity, and the members opposite say it can't happen today. For crying out loud, it happened 22 times in the past five years. That's enough to cause the labour board — and every time this issue comes up, the evidence is contested by the employers' lawyers and it goes through a fair and due process. But this government thinks, "Oh, it's too much."

Now, come on. Let's think about it. The majority of the time the rules are plain and clear. Even union intimidation is not allowed; the union cannot intimidate people to join their bargaining agent, and that, we all agree, is right. But if the union is not allowed to intimidate, why should this government then say, "But Mr Employer, you can"? Whether it's Wal-Mart, whether it's the Bank of Commerce, the Bank of Nova Scotia or the Bank of Montreal, all of whom have been found guilty before the Canada Labour Relations Board of unfair labour practice complaints for violating the rights of — come on, who are we talking about? The men and women, particularly the women, from low-paying jobs who seek to have a little bit of protection in terms of working conditions, a little better pension, a little better wage, a little bit of protection in the face of increasing automation technology — why should we forbid these people from a fair and clear opportunity to make up their minds?

Let the banks, let the other service industries, let the employers battle for the hearts and minds but not intimidate them by saying: "You think about it, you lose your job. You want to come after us? We've got lots of deep pockets to deal with lawyers. You're going to have to hire your own, or go to the union you signed a card for, and maybe they can protect you." I'm sorry; that's called intimidation, and that's wrong. That's a clear violation of people's civil liberties in this country, and this government countenances that. It countenances that by the amendments they're bringing through.

1740

I heard one of the members opposite say, "Every vote should be a majority vote." I agree. The legislation is set up that way. This exception that allows the labour board to put in an automatic certification is only to protect the integrity of the process so that any employer who thinks of it will back off: "Gee, if I start doing this illegal stuff, I'm going to lose my employees." It's there to force them to back off and deal with an honest, open, transparent process. But this government says, "Oh, no, we're going to take this away."

There is no justification for it. In the past five years, of over 4,500 certifications only 22 fell under this particular aspect, and you say it's too much? Come on. They were proven, clear cases fought before the Ontario Labour Relations Board, and the board in its wisdom, after hearing from the parties, looking at the evidence, said: "Employer, you went too far. You intimidated these people." Now you want to withdraw that.

There's a reason this legislation came into place. It was your government, 40 or 50 years ago, that brought it in place to protect the integrity of the workplace, and you want to take it away. Shame on you. Shame on you all.

**The Acting Speaker:** Questions and comments?

**Mr Bisson:** I would like to echo what the member said, a very important part of this debate that we have to keep in mind: that the government at one point in our history in the development of labour legislation recognized that employers just couldn't help themselves in many cases when it came to trying to prevent people from signing union cards. They were using all kinds of intimidating tactics, scaring people, threatening people, telling people that if they signed a card they'd lose their jobs, that they wouldn't get a promotion, that their nephew or their friend, whoever was looking for a job — especially in smaller communities, where it's basically the one large employer, the employer has all kinds of ability to threaten, coerce and do a lot of stuff to prevent people from signing a card.

So at one point in the development of labour legislation, the government, a Tory government — and I think that's important. It was not a Progressive Conservative government; it was a Tory government that eventually recognized and had a really hard time trying to swallow what some employers were doing out there, especially in the construction trades. They saw that those people working in the construction trades in those days did not by and large have the largest amount of education; in many cases they



were people who were new to Canada, who did not know the laws, who were easily threatened because they were trying to survive in what was a very new land for them.

The government said, "We have to have certain laws that say if the company threatens and coerces and poisons the environment when there's a drive to organize, the labour board has the ability, if they think there's irreparable damage in terms of the poisoning of the situation, to grant automatic certification." It was done for a very good reason: to put balance into the system. It's ironic that it is a Conservative government that's deciding they want to throw it back to the wolves, as we might say, and give the employers the opportunity to coerce, intimidate and do whatever when it comes to certification.

**Mr Maves:** I want to thank the member for Ottawa West for his remarks. It's very interesting that every Liberal who has got up to speak to this bill has talked about the title. I'm wondering if they can't get by the front page.

But the member did go on to talk about automatic certification, and he talked about either union or employer intimidation to join or not join a union. He said there are remedies that the OLRB can exercise in those instances. That's true, and those remedies are still here. If there is any untoward activity, those remedies are still in place that the OLRB can enact, and then they can ask for another vote. The only remedy that's not there is the automatic certification remedy. It's the only one that's not remaining.

It reminds me of the 1990 provincial election, when the Peterson Liberals were on top of the polls going in. They got very desperate during the campaign, because they saw the NDP coming up fast. What happened? The Liberals decided to try to intimidate the voters. They tried to say: "Oh, you can't vote for them. Let's fearmonger. Let's tell them how the world will fall apart if they vote NDP."

What happened? Ontario voters had a remedy. That remedy was that they could exercise their vote, and they did. They didn't buy into the fearmongering and they voted for the NDP.

The same remedy still exists here. You can still vote if you want to have a union in your workplace.

Now, history bears out that this was probably the greatest mistake Ontario citizens ever collectively made, and maybe they should have listened to some of the things Mr Peterson told them. However, the point is that in cases like this, the OLRB has all kinds of remedies and ultimately anyone in a workplace situation like that will have the opportunity to exercise a vote whether or not they want to be represented by a union.

**Mr Patten:** I'm pleased to respond to the member for Ottawa West and his vivid explanation of what can happen, through his own personal experience, through intimidation on a membership drive.

I want to underline one thing: We're really talking about changing a system in which at least 99.5% of applications for certification were accepted. This comes through now, removes a deterrent for companies or employers to be bullies. Twenty-two cases out of 4,547. Is

that the real reason? That's not the real reason. The real reason is to send a message, to loosen up things and change the environment, which it of course will do by relieving the labour board of its responsibilities heretofore.

The government side continues to say that this particular clause is universal across the country. There's only one other province that has this particular arrangement. I bet you it would be hard to guess which province it is? Let me think.

**Interjection:** Alberta.

**Mr Patten:** Oh, you're right, it's Alberta. How did we arrive at that conclusion? Because of course the Harris government is always looking to the Klein government for their simple solutions. What might work in Alberta doesn't necessarily work here. Look what's happening in Alberta to their health care system, to their education system and to a lot of services to people in that particular environment. They're now last in the whole country. That's what has happened to them, and that's exactly where we're heading too: last in terms of post-secondary education, going towards the base in other areas.

**Mr Wildman:** I want to congratulate the member for Ottawa West in describing the problems involved in certification drives among workers, particularly vulnerable workers.

I would like to respond also to the comment from the member for Niagara Falls, who ignored a very important point. Basically, he just said that under the proposed changes to section 11 the labour relations board will be able to order another vote, and then the members of the workplace, the people working in the workplace, will be able to exercise their right to vote, and if the majority wants to join a union, then that's it, there's no problem.

It's not that simple at all. There's one basic fact that the member for Niagara Falls is ignoring: The workplace is not a place where there is complete equality. In fact, the supervisor, the manager, the boss or the owner has far more power than the individual workers or the workers collectively, because, simply, that individual, the boss, the supervisor, the manager, can decide to get the message out among the workers that if this place is unionized, if it's organized, if the members, by majority, vote to join a union, the operation could cease and they would all be out of work. The manager doesn't even have to do that directly.

That's why this was so important. In those few cases where the labour relations board, such as in the Wal-Mart case in Windsor, came to the conclusion that the employer, the owner, had poisoned the workplace, there could not be a fair democratic vote and therefore the board had to protect the workers from intimidation.

1750

**The Acting Speaker:** Response, the member for Ottawa West.

**Mr Cullen:** I'd like to thank the members for Cochrane South, Niagara Falls, Ottawa Centre and Algoma for their remarks.

I'm particularly puzzled by the remarks from the member for Niagara Falls who claimed that I hadn't read past the first page. I have to say that one of the things that happened when I went back to university was that I took courses in economics. I also took courses in labour relations. We had to walk our way through the Ontario Labour Relations Act. I don't think the member for Niagara Falls understands. If he looks at the explanatory note, he will see that section 11 of the Labour Relations Act is amended. Section 11 allows for applications for certification to be dismissed in certain circumstances, despite the result of a representation vote. Instead of those remedies, what the government is proposing is an amended section 11 which will allow the board to order another representation vote.

What he's not understanding is that right now the Ontario Labour Relations Board has the power to certify the creation of a new union local, even if the majority of employees vote against the union. But this is a special power and it's only used when the employer was in flagrant violation of the Labour Relations Act and created an atmosphere of intimidation that precluded a fair vote.

What he's taking out is the opportunity to ensure that there's a fair vote. That's what section 11 does. That's what his government amendments do. If the member for Niagara Falls doesn't understand that by now, he should read it again and ask the Ministry of Labour bureaucrats what the intent is here.

What we're talking about here is ensuring that there is indeed a level playing field. It's not as if we have a huge problem, but clearly out of the four thousand, five hundred and whatever it is number of applications in the past five years, there were 22 times the employer flagrantly violated the act. That's what we're trying to protect.

**The Acting Speaker:** Further debate.

**Mr Bisson:** The rule changes in this House dictate that the legislation before us get speedy passage. There won't be any committee hearings. We've got 10 minutes to debate what is a very complex piece of legislation, a piece of legislation that changes the way we organize workplaces in this province and turns the clock back 50 years on labour history. This government is going to pass this through lickety-split with the new rules.

**Mr Wildman:** You don't think they're going to have hearings?

**Mr Bisson:** Of course they're not going to have hearings. I think this government should, especially when we look at the following. This government is trying to pass this legislation through and it's trying to tell us it's because nobody's opposed to this. Everybody who is affected by this legislation, they all think this is good stuff, says the government. The parliamentary assistant and the minister, they say: "Nobody's opposed to this. Even the people covered by the legislation are really in support of this. This is really good stuff."

I've got a couple of letters here I want to put on the record because I think they kind of run counter — I can't say anything stronger than that. Actually, they run directly

counter to the claims made by the minister and the parliamentary assistant.

I have here a letter dated June 16 addressed to the Minister of Labour, Jim Flaherty. It's from the Ontario Sheet Metal Workers' and Roofers' Conference employee bargaining agency, people who are going to be affected by this legislation.

To cut through the letter, because it's four pages and I don't have the time to go through it all, let's just pull a couple of things out here. It says here:

"In a statement reported in the June 4, 1998, Toronto Star, you state that section 11 of the Labour Relations Act is an anomaly in Canada.

"In fact, every province in Canada except for Alberta provides for automatic certification without a vote."

The second point, "In the House on June 11, 1998, you stated that presently if one union went on a province-wide strike, 'the result is everyone drops their tools, work stops, the project...dies.'"

In fact, that's not the case.

I can go through this letter but I don't have the time. What they're basically saying from the building trades is that the minister's comments have been incorrect. First of all, they don't support this legislation, contrary to what the minister said earlier. Secondly, there was a whole bunch of statements made by the minister that tend to be inaccurate as it comes to where this particular organization stands when it comes to the legislation.

I have here another letter from the Provincial Building and Construction Trades Council of Ontario, addressed again to the Minister of Labour, and it says the following — and I think it's a very telling thing. Remember, this is somebody who supposedly supports this legislation, according to the minister. The letter says: "You have been making statements that the provincial building trades unions support Bill 31 as it pertains to 'project agreements.' You do not speak for us and you have misrepresented our position." It's signed by a number of people. It's signed by Patrick Dillon, who happens to be the business manager for that organization, and it's signed by a whole bunch of other people who represent the Ontario Sheet Metal Workers' and Roofers' Conference; Ontario Pipe Trades Council; International Brotherhood of Boilermakers, Local 128; the Sprinklerfitters Local; Ontario provincial council of carpenters. It goes on and on. All these people are saying, "You're misrepresenting what we have taken as a position."

I think there's a lot of grey area when it comes to this legislation, and if there's ever a need to have hearings when it comes to a particular bill, this is probably one of those. Clearly, the government is at odds with what the record actually states. The government says: "There's no opposition when it comes to this legislation. The very unions that are affected by this legislation are in favour of it," when in fact we have all kinds of letters that say the government is misrepresenting the position of those unions. I'm sure, given the opportunity at the hearing level, after second reading, those people would have reams



to say to the government when it comes to what their actual position is.

I would call on the government at the very least to provide for good public hearings so that people who have been misrepresented, according to the words of those letters, by the Minister of Labour when it comes to the positions their individual unions are taking can come and clarify the record and also tell the minister where they think this bill is failing.

I want to make clear what this bill is doing, because it is important to note. The member for Northumberland I thought was interesting. He was going on to talk about how this bill creates flexibility and how it allows a better environment for business to invest in Ontario. That's not what this bill does. This bill gives the hammer to the employer — real simple. Most employers know how to use a hammer. Wham. That's what they do with it when they get the opportunity.

One of the reasons we've had labour peace in this province for a lot of years is that we've had balanced labour legislation on the books when it came to certain aspects of collective bargaining and organizing. Employers knew when it came to organizing drives, they had to adhere to the rules that were in place. They didn't have the right to intimidate. They didn't have the right to coerce. Employers, for the most part, were pretty reluctant to do those activities because they knew that under the law, if they did that, things could go against them. So they tried to behave in a more civil fashion.

Unfortunately there are still employers out there in the construction trades, and others, who think they can go on and do what they want and not be concerned about the law. That's why that law is in place. It basically says that if you're in an organizing drive and if the employer is using tactics that intimidate and coerce people into not joining the union, and if you can prove to the labour board that if there's a vote or not a vote it's not going to be representative because people have been intimidated, the board has the ability to grant automatic certification, because there's no way you can get an accurate count when it comes to the vote when people are feeling intimidated.

Let's put this on the record: Has that been used a whole bunch of times by the board? Has the board willy-nilly gone out and automatically certified all of the province of Ontario? Not at all. I think it's been used a grand total of 14 times.

**Mr Wildman:** In five years.

**Mr Bisson:** In five years. So it tells me that the Ontario Labour Relations Board is pretty careful about how it uses that particular section of the act. They understand that they have to look at how the legislation is written and apply it fairly. They're saying that only in those extreme cases where employers are using tactics that would intimidate and coerce workers from joining a union should they apply that particular part of the legislation. Now this government is saying: "No we don't want that. We want to give the employer the hammer. Us Tories, we want to give the employer the hammer so they can go out and whack the employees beside the head and say: 'Don't you vote for that union or else you're going to lose your job. Don't you vote for that union or else I'm going to close my plant. Don't you vote for this union or else I'm not ever going to be able to get a contract again.'" Total hooley.

You have to have balance when it comes to labour laws in Ontario and other jurisdictions, otherwise the system becomes totally out of kilter. We've managed to build a fairly good system of balances. It's not perfect. Certainly employers have the upper hand even with the most progressive labour legislation out there, but we've managed to put in place rules that give a certain amount of protection to workers and their ability to organize. This government wants to get rid of that and do it quite quick.

The other point I would make very quickly, because we're getting close to 6 of the clock, is that the member for Northumberland makes the point of how anti-union he was. I wonder if he took that position when he was a member of OPSEU for some 12 years. I wonder if he gave away all the benefits that he got from OPSEU because OPSEU happened to represent him, along with a whole bunch of other public servants who actually got half-decent wages and benefits, as a result of what? The ability of people to organize and, most importantly, the ability to negotiate a fair collective agreement. I wonder if he was against those things when he was collecting a paycheck within the civil service of Ontario.

Mr Speaker, being that it's almost 6 of the clock, I move that we adjourn the debate until the following day.

**The Acting Speaker:** It being 6 of the clock, this House stands adjourned until 6:30 of the clock.

*The House adjourned at 1800.*

*Evening meeting reported in volume B.*

**LEGISLATIVE ASSEMBLY OF ONTARIO**  
**ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO**

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Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.

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## Legislative Assembly of Ontario

Second Session, 36<sup>th</sup> Parliament

## Assemblée législative de l'Ontario

Deuxième session, 36<sup>e</sup> législature

# Official Report of Debates (Hansard)

# Journal des débats (Hansard)

Tuesday 16 June 1998

Mardi 16 juin 1998



Speaker  
Honourable Chris Stockwell

Président  
L'honorable Chris Stockwell

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## LEGISLATIVE ASSEMBLY OF ONTARIO

Tuesday 16 June 1998

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mardi 16 juin 1998

*The House met at 1830.*

### ORDERS OF THE DAY

#### ELECTION STATUTE LAW AMENDMENT ACT, 1998

#### LOI DE 1998 MODIFIANT DES LOIS EN CE QUI CONCERNE LES ÉLECTIONS

Resuming the adjourned debate on the motion for second reading of Bill 36, An Act to amend the Election Act and the Election Finances Act, and to make related amendments to other statutes / *Projet de loi 36, Loi modifiant la Loi électorale et la Loi sur le financement des élections et apportant des modifications connexes à d'autres lois.*

**The Deputy Speaker (Ms Marilyn Churley):** Further debate? The member for St Catharines.

**Mr James J. Bradley (St Catharines):** Thank you, Madam Speaker. I must say sometimes you begin a speech by saying that you're pleased to be able to debate specific piece of legislation. I am anything but pleased to be debating this legislation this evening.

I think Bill 36, a bill which changes the election rules and particularly those rules which relate to the financing of elections, that is, the contributions that individuals and corporations can make and the amount of money that political parties and candidates can spend, is a distinct step backwards. It's one of the worst abuses of government power one can witness.

Where it comes from, so that our viewers at home know and so our members of the Legislature know, is essentially the back rooms of the governing party, in this case the Conservative Party of Ontario. Someone has probably gotten together — I think of Leslie Noble and Tom Long because they're well-known names in the Conservative Party, well known for some success during election campaigns. I can just hear Tom Long saying: "If only I can get my hands on \$4 million, I can buy this campaign. I can win this campaign, no matter what."

That is most unfortunate because you see, when you make this change, you make it almost forever. It's like changing the rules of the Legislature. It is convenient for the government, particularly for the cabinet, the Premier and those who advise the Premier, the whiz kids, to have a Legislature where you can shove your legislation through quickly. Indeed, there may be some people who come from

the business world who find this place to be less than efficient in their minds. I've said on many occasions, just as I would never suggest that a business should be conducted in the way a legislative body is because it's entirely different, so I say you cannot apply a business operation to the Legislative Assembly itself. Some government functions you can, but not to the Legislative Assembly itself.

What the government is doing is changing the election finances law probably forever, because let me tell you what happens just as I said what would happen with rules changes. I hope that if we, the Liberal Party, were fortunate enough to be chosen by the people in the next election, we would change the rules of procedure in this House. Indeed, if I were part of such a government, I would be advocating changing to make them more democratic.

But it is so attractive to a newly elected government to maintain rules which allow it to bulldoze its legislation through that it's very difficult to convince a cabinet to revert back. Similarly in this case, I know that Tom Long, Leslie Noble, Guy Giorno and others think this is really being smart: "We're really clever. We're going to change the rules so we can gather all kinds of money into the Tory coffers, into Mike Harris's party's coffers," and then spend it, I must say, very extensively, mostly I would suspect on huge television media advertising.

Those people who advocate that may feel that it is clever and that it benefits the party in power and therefore it should be accepted. What I say to you is, you are eroding the democratic system once again. People can quarrel with some of the legislation that you've put forward in this House, and there will be good arguments made on both sides and the people can make their judgement. Where I think you can't quarrel is where this government has continued to erode the democratic process, continued its assault on what we consider to be appropriate parliamentary procedure and fairness in election campaigns or in this House.

That is where I believe that members of the news media, for instance, have a role to play. If I were part of a government that was introducing this legislation because it would be of advantage to that government, it would be the role and responsibility of the major news media to be a check on that grab for power. I have been disappointed by the silence, indeed in some cases by the acquiescence and promotion of this legislation by certain elements within the news media, because what we're talking about is a governing party or a political party which is able to obtain

huge amounts of money by catering to the very wealthiest people in our society and the most powerful people in our society and then abusing that power by making the process unfair and opening us more and more to the American system.

The reason I mention the American system is that I saw a debate on the channel we call C-SPAN the other night in the House of Representatives. There was a Democrat from Mississippi making one of the points that I've tried to make this evening, and that is that what you do when you make money more and more an important part of the campaign, paramount, king in the campaign, you take away from the little person, the person with not much power, the person with little money, the person who doesn't have the resources to donate to political campaigns, you take away that person's voice and you give a far greater voice to the multimillionaires of our society and to very powerful people and corporations within our province.

This isn't to say that they shouldn't have a say in the process. Most assuredly they should, but what you're removing is a sense of fairness. You know, fair or not, many people have called our Premier Mike Harris a bully, and I know that annoys some members on the governing side, and I understand that. But once again we see the bullying of the population out there, bullying in this sense by using not only the levers of power that the government already has for government advertising — and I mentioned the other day a pamphlet that went at a cost of almost three quarters of a million dollars to all Ontario, which was clearly, in my view and I think in most objective observers' view, a propaganda piece for the Conservative Party, and another put out by David Lindsay's shop called the Jobs and Investment Board, which is clearly, I think any objective person looking at it would say, a partisan pamphlet, and another one I see he has given out today.

My objection is not to putting out that information. That is the prerogative of political parties, and I accept that. If the Conservative Party were to do this, then I would say that's quite acceptable. What is happening is that all taxpayers in Ontario through government ministries are paying for clearly propaganda pieces for the government. There is a case for advertising in some cases, to provide direct information, and I've mentioned in the House that's the case.

My problem with this legislation is it stacks the deck. It stacks the deck in favour of the richest political candidates and the richest political party. You know what else it's going to do? It's going to discourage people from running in a campaign. In the United States today, to run in a campaign you either have to be extremely wealthy yourself or be beholden to wealthy sources of funding for your campaign.

Day after day, the New York Times and other major dailies chronicle the abuses of the political process because money is paramount. Look at President Clinton and the embarrassment that he has faced in the White House, for instance, because of allegations about fund-

raising activities, and some members of the Republican Party. Why is that? It's because money plays such an important part in election campaigns.

#### 1840

I hope that every editorialist in Ontario gives this consideration. If they agree with you, for instance, on what you are doing with Hydro, or disagree, that's one point. I think this is one where every person in the news media should be a check on governments extending and expanding and abusing their power, and that is what's happening in this legislation.

Look, there are parts of this bill that are quite acceptable; for instance, a permanent voters' list. Nobody's going to quarrel with that. I looked through the bill and spotted several things that I could say were acceptable, and if that were brought forward as legislation, this would be through this House very quickly. But of course what is part of this legislation is changing the balance, is making money a more important part of the campaign.

I want to share with members two statements which I read in the House this week which really capture, perhaps in more inflammatory language than some would like, a view of what has happened. A couple of days ago I said:

"Today is a dark day for democracy in Ontario. The Mike Harris Conservative government, using its new anti-democratic procedural rules, will begin the process of bulldozing through the Legislature a bill which will make money the king — the key ingredient in Ontario elections.

"Bill 36 allows for massive increases in the amount of money political parties and candidates can spend during election campaigns, exempts a number of expensive campaign activities from any spending limits at all and drastically increases the amount of money corporations and individuals may donate to a party or candidate.

"Mike Harris plans to abolish the watchdog over election spending and contributions — the Commission on Election Finances — at the very time when the public sees the greatest need for this policing agency.

"The result of this anti-democratic strategy, hatched in the back rooms of the Premier's office — the Harris Kremlin, as one reporter termed it — will be the Americanization of Ontario elections, with money playing an enormous role in the campaign; a campaign to be shortened in length so that massive media advertising will dominate, rather than door-to-door personal contact with voters.

"The Conservative Party, gearing its policies, legislation and regulations to the best interests of the very wealthy and the most powerful, will gather its rewards from this element in the form of huge campaign contributions which it will use to saturation-bomb the airwaves with expensive commercials.

"It is time for all who value democracy to demand that Mike Harris withdraw the bill, which stacks the deck in favour of the very rich and his political party, which represents the rich and the powerful."

Yes, I agree it's pretty powerful language and some would say somewhat inflammatory, but it is really how I feel about legislation of this kind, whether a government I



would be part of or not would be introducing such legislation. The danger is in the principle, not in who's there introducing it and who's opposing it. I think it's important among people within government to challenge those who put forward this kind of legislation.

I put forward a second one, and it's got a reference in it that I think you declared out of order so I'll delete that. I'll just explain. The other day I used the term "governor Mike Harris," not with the capital G, like a state governor, but the small g. I think they don't want that reference made so I'll certainly respect that. I always like to respect, as my friend from Dufferin-Peel does.

"The people of Ontario should know that if...Mike Harris gets his way, the Conservative Party will be able to buy the next election.

"The rules governing Ontario elections will be rigged to heavily favour the party and the candidate with the most money, and these new election rules will be bulldozed through the Ontario Legislature by the huge Conservative majority on orders from Mike Harris.

"Massive increases in election campaign spending, dramatic increases in the amount of money that corporations and individuals may contribute to political parties and candidates, the exemption of major campaign activities from any spending limits at all, and the elimination of the financial watchdog, the Commission on Election Finances, will ensure that the deck is stacked in favour of the party and the candidates who tailor their policies, legislation and regulations to the wishes of the very wealthy and the most powerful elements in our province.

"The influence of big money interests will be paramount in Mike Harris's Ontario, just as it is in American politics where examples of election contributions buying influence and purchasing power are so numerous.

"Mike Harris Conservatives are not satisfied to abuse their power by using taxpayers' dollars to send blatantly partisan propaganda pamphlets to all Ontario households, as they have in recent weeks; now they want to ensure that big money will be king in the Ontario election process.

"All who value fairness in the democratic system should demand that...Mike Harris withdraw this outrageous piece of legislation in the interests of our fragile democracy."

I've been in this House long enough to know when a government isn't going to withdraw its legislation. You see, you're not getting the pressure to do so. One of the judgements you make of a government or of people is what they do when they think nobody is watching. Obviously, we're sitting at night, the news media have gone home for the day and not too many of them are going to be watching the legislative channel, because they put in a full day working here. That's even one of the plans, to show this at night when we don't have that kind of potential coverage coming forward.

I asked a question in the House today of the government House leader. He passed it to the Chair of Management Board, who has carriage of this legislation. I asked if the government was prepared to amend this legislation to remove the most offensive parts. I'm not saying that it

would be developing a consensus. I think it would make the legislation more acceptable.

But let me tell you something: This legislation was written a long time ago and any meetings that took place between the three political parties represented in this House were essentially meaningless. The government had its mind made up that it was going to bulldoze through legislation which would in fact not only raise the limits of what people can contribute to political parties and candidates now but to build into the legislation that that amount would continue to escalate into the future. I think this is basically wrong. I think it's damaging to the electoral system under which we work.

It says expenses related to research and polling and travel expenses are added to the list of matters which are not treated as campaign expenses. Well, they are campaign expenses. I can tell you, Mike Harris will have an expensive jet to go around this province and he'll be able to pay for that and maybe pay so that it's large enough to have members of the news media with him. He's going to have the very best of transportation available, as are cabinet ministers. They will not have to count that as an expense.

The research that you're doing, that's a very broad term which allows political parties to spend money on a lot of activities in a campaign which are really promotional rather than research. Polling is another activity that can be very expensive. It is important to keep abreast of the issues and understand how the campaign is going. Again, stacked in favour of the government.

All of those costs should be included as costs in a campaign. There's no reason to exempt them other than to give the very rich Conservative Party a leg up, a distinct advantage; or a governing party, for that matter, whoever might be in power.

There are other aspects of the bill which certainly concern me very much. One is the shortening of the campaign. The purpose of shortening the campaign is so that the government backroom people, the campaign managers, know when the election campaign is going to be. By having a minimum 28 days, they simply buy up all of the good time on the airwaves and the good places in the newspaper and leave the scraps to those who are opposing them.

This means that what's really going to dominate is the mass media message, the huge, full-page newspaper ads, the television ads with the hot-button issues which pick on one aspect of society or another, and radio ads. The door-to-door kind of campaign that many of us have done, the personal contact, the public meetings, those are going to be diminishing in importance. With our new, larger ridings with more people in them, it's going to be more difficult to reach those people across the province.

The amount of money to be spent, as I say, even by an individual candidate or by a political party, expands. But what concerns me is that the more money you allow people to contribute, the more influence they're going to have on a political system. That's regardless of which political party is in power or what the circumstances are. I think you're moving down a slippery slope when you do that.

It's interesting that you sneak this bill in under the Hydro bill, a major bill which is going to receive coverage. One thing I've noted with this government is when it's ashamed of any legislation or announcement, the government tries to hide it behind some other announcement. If you're proud of the legislation, put it forward and defend it.

**1850**

I would like to go on at some length. Unfortunately, under the new rules, I'm confined to 20 minutes in this House on this kind of bill. There are some bills where obviously five minutes would be sufficient, or no time at all, but in a bill of this kind, its importance to our democratic system is such that it deserves far more than the time that I'm going to be able to devote to it this evening.

One exposure of this was when Dalton McGuinty, the Liberal leader, had a press conference out in front of the Legislature and said there was a seat sale. I'm afraid that's symbolically what is happening, the seats are for sale.

I don't want this Legislature to be a House where only the very wealthy or those backed by the very wealthy can be part of the Legislature. Many people here didn't begin their lives as necessarily very successful or wealthy people. They may have worked their way up. What you're denying to other people now with this kind of legislation is that opportunity. You're denying fairness in this province. You're taking a bill which has some good parts to it and ruining it by stacking the deck in favour of those who have the money.

But it's the system that is going to lose, it's the democratic system that will lose. Take my word for it, there are going to be people lined up trying to influence government and they'll have a greater ear because they've been able to contribute more money. That's unfortunate. A system should not be dominated by money. What we are seeing with this legislation is the Americanization of a political system, making money king in election campaigns in Ontario and hurting our democratic system badly.

**The Deputy Speaker:** Questions and comments?

**Mr Wayne Lessard (Windsor-Riverside):** I certainly appreciate the remarks from the member for St Catharines. When I speak to my constituents back home, sometimes they say to me, "Why is it that you sometimes say good things about Liberal and Conservative members when you're making these responses?" With respect to the member for St Catharines, it's simple for me to say good things about him when he's talking about these changes to the Election Finances Act because this is a time when I, as a New Democratic member, and the member for St Catharines agree very strongly with respect to the erosion of the democratic process that these changes are going to bring about.

What he really concentrated on was the influence of big money and how that's going to be used to the Progressive Conservatives' advantage in the next election.

It really makes you wonder why it is that we're debating this bill in the final couple of weeks of this session. What's the pressing urgency that we have to be dealing

with this bill now? I think that's something that people need to be asking themselves. Why is it that a government with a huge majority wants to ram through legislation like this, which certainly I'm not getting any calls for in my constituency office.

People aren't concerned about election finance reform. They're concerned about things like health care. They're concerned about the quality of their children's education. They're concerned about the textbooks that are going to show up in their classrooms in September that are going to be published by, many times, American-based or American-owned publishing companies. Why is it we're not debating things like that? It really makes me wonder.

**Mr Ted Chudleigh (Halton North):** It's always a pleasure to comment on the member for St Catharines. He's well known as an eloquent speaker in this House and the passion of his argument you certainly can't ignore. However, some of the facts of the matter perhaps don't necessarily back up his passionate plea.

In the 1990 provincial election the Liberals outspent the New Democratic Party by a wide majority, and yet on September 6, 1990, Bob Rae found himself to be the Premier of Ontario and had won that election.

Again in 1993, I think you would find that in the federal election of that year the Progressive Conservative Party and the Liberal Party federally spent about the same amount of money and yet it is a well-documented fact that the Conservatives fell to a two-seat party in the federal government. Money didn't seem to have a big impact on that particular government.

Again, in the election that brought us all to this place in 1995, the Liberals and the Progressive Conservatives I think spent about the same amount of money, give or take a small percentage. They spent about the same amount of money and the Conservatives in that election garnered 45% of the vote, more or less, and the Liberals were in the 34% ballpark.

In the 1997 by-election in Ottawa West, a member of the Liberal Party was elected by a considerable margin, even though our party spent \$4 to every \$3 that he spent. That election couldn't be bought because the people of Ontario can't be fooled. The people of Ontario vote for substance, they vote for policy, they vote for what they believe will serve them best.

**Mrs Lyn McLeod (Fort William):** The member for St Catharines has very accurately described a whole host of concerns that we have about this bill, which he has described as another direct attack on the democratic process in this province. I appreciate the member for St Catharines emphasizing one of our greatest concerns, which is that this bill is going to raise the amount of money that can be spent on elections and that's going to mean that there will be more money in the hands of the Progressive Conservative Party to spend on advertising, that money will count for all and advertising will count for all.

It's appropriate that the member for St Catharines stresses this concern because he has been vigilant in over and over again showing how this government, beyond all



governments in the past, has used taxpayers' money to advertise government propaganda which does not serve the purpose of informing the electorate in any way, shape or form.

So I know the member for St Catharines is not in any way surprised that the emphasis of this government in bringing about changes to the Election Finances Act is to ensure that they have enough money in their party coffers and enough freedom to spend it during election time to be able to carry that advertising campaign right through this very short writ period when we don't have enough time to counter it with door-to-door contact with the electorate or an opportunity for the electorate to really become informed about the substance that the member opposite has just spoken about.

I know the member for St Catharines is not surprised that they did slip this bill in under the cover of the Hydro bill because, as House leader for our party, he has raged against the tendency of this government to do that from the day they introduced Bill 26 under the cover of a presentation of a budget.

I know the member for St Catharines is not at all surprised that this government has launched what he has called yet another direct attack on democracy, because this, after all, is the government that gave us the two-for-one special on democracy, which has us sitting here this evening yet again in what the government describes as a sessional day, even though there's no question period, which allows them, by having two days in the course of 24 hours, to ensure that they can ram their legislation through even faster than before.

**Mr Gilles Bisson (Cochrane South):** The member for St Catharines I think is bang on. What this is all about is a government that says: "We're worried that we're not going to be able to win the next fight with the fair rules. We're not going to be able to do it so we're going to change the rules to suit ourselves." They're going to make it possible for them to go out and get extra money because they know they've got problems.

**Mr Lessard:** Ottawa West didn't work.

**Mr Bisson:** It didn't work in Ottawa West, but the point is they're very vulnerable when it comes to their record on health care, they're very vulnerable when it comes to their record on education, and those are two issues that I see, according to the polls, people care most about. You look at the polls and you get a sense that maybe the government can pull it off again, but when you start looking past those numbers — and that's something the people in the whiz kids' office are doing — they know that they're vulnerable. They're saying, "How can we overcome this image that we have as a Conservative government on these issues that people feel strongly that we're doing a bad job in, namely, health care and education?"

They want more money, so they change the rules so that they can go out and raise more money. Why? Because they're going to be able to buy more TV ads, more ads in the paper and various types of marketing tools that they can get in order to try to build the case about how they're

not doing these things that actually they are doing. So this is what this is about. It's about a government that says, "We're going to try to buy our way into the next election."

The other thing that I think is important to note is it's not just a question of money, because it is also an issue that the government is changing some of the rules; for example, shortening the election down to 28 days. Who do you think that gives a benefit to? Anybody who's an incumbent and the government. That's who has the benefit when you have a short election period, because it doesn't allow the opponent, in this case the opposition or somebody running against an incumbent, the ability to mount the campaign and to be able to develop the message and get the message heard by the voters. Obviously in this House there are more Conservative members that are incumbents, so they have a stronger proportion of the ability to win in a shorter election. So this is about a government changing the rules, saying, "We can't win a fair fight, so we'll change the rules just like we did in the House, and we'll do what we can to win."

**1900**

**Mr Bradley:** In responding, I appreciate the comments of members of all the political parties. I'm heartened a bit by the member for Halton North suggesting to me that money can't buy an election. That does give me a bit of hope out there at a time when I see a bill which is maybe a bit negative.

My concern, however, is the impact on the whole system, that the higher the contributions that can be made, the more chance there is that governments are going to be influenced by these kinds of political donations. I hope that's not the case, but that certainly has been what's happening in the United States.

In the United States now — it's quite appalling to those of us here — even in a presidential election year, sometimes they'll get less than 50% of the people voting in the United States. One of the reasons for that is the extreme cynicism that exists in the US, because they believe the system is corrupt. The chances of corrupting the system are far greater when money plays a more significant role.

I think you would be equally critical — you mentioned political parties having an advantage or not having an advantage. It may or may not be successful in winning a campaign, but once a government is elected, my problem is that all of those contributions may have some influence. I don't think that's good for any of us.

That's why I really feel that editorialists, columnists, people who write think pieces, should be looking at this legislation and calling the government to account, whatever government would do it, for increasing its power, increasing its advantage and poisoning, I believe, the system. I would have preferred that we have a consensus of the three political parties. My last hope is that the government would at least accept and entertain amendments that we might suggest in the opposition.

**The Deputy Speaker:** Further debate?

**Mr Lessard:** Most of the time when I start my remarks, I say what a pleasure it is to be able to stand up and engage in debate with respect to specific bills, but

with respect to this bill, the bill to change the election finances rules, it's not one that I really take a lot of pleasure in being able to participate in this evening. I think many of the changes that are being made are really to the detriment of the democratic process that we have in Ontario.

I'm proud to belong to a party, the New Democratic Party, that has democracy as part of its name. I like to think, no matter how cynical the members of the Progressive Conservatives may be, or for that matter how cynical some members of the voting public may be, that there are many of us here in this place who really do respect the principles of democracy and want to do what we can to try and uphold those. That's why it's so unfortunate that we happen to be debating the bill that we're debating tonight.

One of the things that is unfortunate is the fact that we are debating it tonight. This is something we should be debating right after question period so that as many people as possible, including the media, are here to view those debates. But here we are debating it at about 20 to 7, during the evening, when most people have other family obligations they need to be engaged in.

We're debating at night-time because the Progressive Conservative government changed the rules to permit us to have an extra sessional day between 6:30 and 9:30 at night. Of course, it gives us an opportunity to accomplish more things here in the Legislature, but the significant thing is that what it does is eliminate the opposition's opportunity to have question period. We lose a question period every time we have to sit and debate legislation at night-time.

I know, Speaker, you're aware of many of the changes that are being suggested or being proposed in this legislation, but really what it amounts to is that this government is trying to buy the next election with a massive increase in the spending limits for political parties. We know that increasing spending limits is going to benefit the Progressive Conservative Party and their big-money friends. Their supporters have the capacity to raise large sums of money, to make huge donations. Many of them are corporations. We in the New Democratic Party get very few donations from corporations. Most of our contributions are from ordinary, average working people — many of them aren't working people — donations of \$25 or \$50, whatever people are able to afford. I can tell you, having been through three elections myself, how difficult it is for members of the NDP to raise money for campaigns. We know that people who have the ability to raise large sums of money are going to benefit the most from these changes that have been implemented.

One might wonder why a government that has a huge majority wants to be ramming through this legislation. Why is it that they bring it up towards the end of the session, in June, when traditionally changes of this type are only brought in after agreement by all members of the Legislature: the NDP, the Liberals and the Tories? Usually changes to the rules that affect elections are only brought in if there's a consensus between all three political parties. To me, that makes a lot of common sense.

Why is it that the government wants to use its majority to try to ram through changes to the Election Finances Act? I think that's something that people who are watching here this evening should be asking themselves. Who is it that's going to benefit? Why is it that the government is using their majority to ram through this legislation?

It's not bad enough that we're having to debate this towards the end of the session and at night-time. I suspect that towards the end of this week, probably Thursday, there's going to be another time allocation motion tabled, debate with respect to this is going to be cut off, any opportunity that opposition members have to voice their opinions, to voice the concerns of the public, is going to be cut off once again when this government uses its majority to ram through a bill and to limit our ability to debate.

One of the things that these changes are going to do is permit \$1.3 million to be added to central campaign expenses. I think \$1.3 million is a lot of money. It's not just the money, but it's a 50% increase from what it was before. This is something that wasn't recommended by the election expenses commission, by the way, which is an argument that government members like to bring up on a regular basis. They say: "Well, the election expenses commission is made up of members of all three parties. They agreed to many of these recommendations, and therefore it really is something that we should all agree to." This is a change that wasn't agreed to by the election expenses commission, it didn't come from their recommendations, and it isn't something that should be here for debate as part of legislation without the consensus of all three parties.

One of the things the Mike Harris government has also done is that they've excluded some major expense items. I'm going to get in a little bit later what consequences some of those exclusions have as far as I'm concerned. Those are things like polling and travel expenses. Those are going to be removed from the spending limits. That's going to permit the Tories especially to be able to spend hundreds of thousands of dollars on polling and on travel expenses that they hadn't spent before, they weren't able to spend before, and that certainly the NDP isn't going to be able to spend in the next election because we're not going to be able to raise the money. It's as simple as that.

The other thing they've done is to cut the campaign period from 37 to 28 days. Having gone through three election periods and campaigns, I like to try to get around to visit as many electors as I possibly can. I think it's important for all of us when we're out campaigning to get out and speak to as many people who can vote for us as possible, to make that personal contact, to get out and talk to as many people on their doorstep as you can. I like to run when I'm out campaigning. It's great exercise. It's good to get out in the fresh air and do that. Certainly having to run for only 28 days instead of 37 could be less physically exhausting, but it also does provide some benefits to the government members, and I want to tell you why.



1910

I can try to get around and maybe wear out a pair of running shoes, but people who are able to effectively campaign without having to go door to door are going to benefit from a shorter campaign period. How are they going to benefit? They're going to benefit by using television, radio and newspaper advertising. That's really the way they're going in the United States. Their campaigns generally aren't based primarily on making personal voter contact; they're based on making contact through advertising campaigns. That's where I can see many of the changes that are being suggested in the election finances reform act going to. They're going to favour people who have the money to engage in expensive media campaigns during elections. That's really what these proposals are all about.

I don't think we want to be going down that American road, because we see what those advertising campaigns have deteriorated into in the United States. They don't run campaigns to try to inform voters. They don't try to tell them about the policies or the reasons people should vote for them. Most of those election campaigns are based on attack ads, attacking your opponents, trying to make them look bad, trying to get people to vote against somebody instead of actually voting for somebody. It's sleazy politics. It's democracy in its worst form. I don't see why we want to go towards using that American example to run election campaigns. I just don't see why we want to do that.

The other thing they've done is that they've doubled the amount that individual corporations can contribute to election campaigns. Once again, the Tory members will argue, "Well, you'll have the same opportunity as we do." But I've explained that we don't have the opportunity to raise large sums of money, because we don't have corporate friends with deep pockets like the Tory government does. The fear I have is that what comes with those large corporate donations is the expectation that there's going to be some sort of payoff afterwards. We've seen that with the Latner family and their bid for the Niagara Falls casino. It raises the suspicion that if you make large corporate donations, you expect to get the payoff after the person you got elected gets into elected office. I don't believe that's the way we should be going in Ontario as well.

The other argument the Tory members make is that raising the amount of money that can be spent on a per elector basis is really going to bring us in line with what the federal rules say. In actuality, this brings spending limits even higher than the federal limits. That's an argument I don't think they can use.

One of the reasons I'm quite concerned about the increase in the amounts corporations and individuals can donate is the changes with respect to the tax credits for political donations. That's being increased as part of this legislation as well. The tax credit is going to be increased to 75% for the first \$300. I think the public really needs to understand this, because when you're making donations to political campaigns, you always get a tax credit. You get

to deduct that; you get a credit when you fill out your income tax at the end of the year. What that means is that really we have a publicly supported electoral system here in Ontario, something that I agree with. I think we need to have a publicly supported democratic election process in the province. But who benefits the most? Who benefits the most are those who can contribute the most. By getting these tax credits, it means that the general taxpayer is really subsidizing the person who can make the biggest tax creditable donations to political campaigns. The benefits are going to those who have the ability to pay the most. All of us are paying for that benefit, and I think we need to do what we can to ensure that the ability to receive a tax credit is a reasonable one that we're all able to take advantage of.

I mentioned how we shouldn't really be going towards the American model of election financing. Because I live in Windsor, I see the advertising in Detroit. I know what election campaigns are like in the United States, what they look like when they're advertised on television in Windsor, and frankly it's a prospect that I don't want to see crossing the border into Ontario. I see a system in the United States that has over the years really disfranchised those people who can't afford to participate in the democratic process. Because of that disfranchisement, people just don't get out to vote the way they should in the United States. In the last presidential election, about 30% of those who were eligible to vote in the United States actually took advantage of the opportunity to do so. It's unfortunate that people feel their voice is not going to be heard. That's why they don't participate. They don't participate because nobody's going to listen to them, because they don't have the money to try to influence the process. Because of that, they no longer participate.

That's not the sort of system I want to encourage to happen in Ontario. I want to have a system that encourages as many people as possible to participate. I'd like to hear from the government members how they think these changes to the election finance rules are going to encourage more people to participate in the democratic process in Ontario. I don't see that. The message I see from this legislation is, "We want to encourage those who have the most money to participate in the democratic process." I don't think that's what we want to see here.

I had an opportunity to read through a magazine that is very popular in the United States. It's called *Campaigns and Elections*. That is where the democratic process is going in the United States. It's a business over there. There are a lot of people who can make a lot of money in the elective process in the United States. You know what's even more interesting? The front cover says, "Take the Money and Run." These are the burning political issues in *Campaigns and Elections* in the April 1998 edition. That's what they talk about when they're talking about democracy in the United States. These are some of the issues that are being highlighted in the editorial by Ron Faucheux.

The title of his editorial is "Setting the Bar." In it, he says: "In the past, too many reformers" — and this is

talking about reform of the electoral process in the United States — “have concentrated on imposing campaign contribution caps and spending limits. The result has been an unintended consequence: Politics has become more expensive than ever.”

They’ve really had an unlimited system in the United States, and what they’ve been doing ever since is trying to bring some semblance of order into the process. They’ve tried to bring in reforms to cap election expenses and they’ve been unable to do so. By trying to bring in some of those standards, this is what he says:

“For standards of any kind to be accepted by real-life political combatants...they must be practical as well as reasonable; they must also not tilt toward any partisan political movement or class of candidates. Any criteria seen as serving the interests of any of the current players...will never get off the ground. That’s why voluntary spending limits, mandatory ad formats or a shortened campaign calendar and bans on attack advertising won’t fly.”

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They’ve realized in the United States that they really need to reform the political process, but they find they’re unable to do so because they just can’t get those proposals to reform the political process to fly. Nobody’s going to agree with them. Everybody feels as though they’re going to tilt the balance in favour of one side or the other. That’s why it’s important, when you’re bringing forward proposals to change election finances and the election rules, that it be done by consensus, that it not be seen as favouring one special interest, that is, those who have the ability to pay the most; that it doesn’t favour just the rich, those who have the money to try and influence the political process. It can’t be seen to favour those, and that’s exactly what we’re seeing in this case.

He goes on to say that most campaigns won’t risk running harmful news stories or criminal prosecutions or the attack from the opposition. He talks about dishonest campaigns and dishonest results. He talks about how difficult a process it is to try and reform the political process in the States, how difficult it is to try and make campaigns more ethical. He says: “The task is hard, maybe impossible. But until political professionals can talk about ethics and propriety with a straight face, and have cause to fear the practical repercussions of violating reasonable standards, the endeavour to set a higher bar is a valuable one, indeed.”

These are the issues they’re talking about in the United States. What they’re trying to do is say: “How can we make campaigns more ethical? How can we raise the standards of sleazy campaigns in the United States?” They’ve found it almost impossible. We don’t want to go down that road. It’s the wrong direction.

**Hon Margaret Marland (Minister without Portfolio [children’s issues]):** The member for Windsor-Riverside has just given the most unique reason we will ever hear in this chamber for maintaining a longer than necessary writ period. Here is this young gentleman with the slimmest, trimmest, most svelte figure of probably anybody in this

chamber, and he just stood here and said he likes a 35-day writ period because that’s when he gets to campaign and lose weight. In the interests of the health of the member for Windsor-Riverside, we probably should have a five-day writ period in terms of maintaining the body weight you have. Anyway, you said that; I didn’t.

It probably points to the fact that this is a good bill. Bill 36 obviously is such a good bill that the members opposite can find no stronger debating arguments than to talk about the fact that they need a seven-day-longer writ in order to lose weight that they don’t already have.

What we should talk about here is what happens in other provinces. The members opposite might not know that six other provinces in Canada have 28 days of writ period or less. They might also like to know that we are the seventh province that’s going to have a 28-day or less writ period. Bear in mind it’s the minimum. It doesn’t say it’s going to be 28 days; it is a minimum.

The other thing I want to say very quickly about funding limits —

**The Deputy Speaker:** The member’s time has expired.

**Mr Bernard Grandmaitre (Ottawa East):** I think the previous speaker is absolutely right, the member from Windsor is slim. But I’ll tell you something: There will never be another slim Tory. They’re fattening their wallets. That’s what they’re doing, and it’s weighing heavily on them.

What I find very strange about Bill 36 is that we had a committee in place, a committee formed of the three parties, and none of them, not one member of that committee, was in favour of what’s before us. As the member for St Catharines pointed out earlier, this bill was written six or maybe eight months ago. Your minds were already made up. You were doing well with the bank managers and the big companies, so why not take advantage of them? What you’re doing is again ruining the integrity of politicians, not only in Ontario but right across Canada, by taking advantage of such legislation.

You know, there isn’t a day when we aren’t being criticized that politicians are looking after themselves and that’s it, that they’re trying to make money, big fat pensions. Well, this kind of legislation is doing exactly that. It’s inviting rich people, not the ordinary person in Ontario but the rich only. This will come back to haunt you very shortly.

**Mr Bisson:** I want to thank the member for Windsor-Riverside for the comments he made about this act. I think the member was perfectly right when he talked about the Americanization of not only our health care system in this province or the Americanization of our education system or the Americanization of our civil service, the government is also intent on following the way of Newt Gingrich and a whole bunch of other right-wing lunatics in the United States. They’re trying to put into Ontario a system that is much more American when it comes to how you raise money, how you finance yourself during an election.

I fundamentally oppose that, from a couple of perspectives. First, fundamentally it’s not a very fair process,



because what you're doing is really giving those people who are well connected in the business community the ability to raise money at fairly large rates, and that gives the advantage to the Conservative government, without any stretch of the imagination.

The other thing it does, in a way, is attack democracy, because what ends up happening is that winning an election depends on how much money you get, eventually. Under the type of rules the government is putting forward, if an individual says, "I want to run as an independent," or it happens that a party in a riding, whether Tory, NDP or Liberal — probably not so much the Tory party — doesn't have the ability in a certain riding to raise the dollars, they'll basically be out of the game.

I think we need to take a look at a way of trying to give candidates an opportunity to get their message out. It's interesting to note that in England, the Labour Party under Blair is actually looking at putting the financing of elections under a public law, that basically there'd be no fund-raising. Everybody would get equal access to public broadcasts and other media and everybody would be given a certain amount of money so that every party and every candidate has an opportunity to get the message out.

This government is saying they want to give themselves the advantage. It's as simple as that.

1930

**Mr Joseph N. Tascona (Simcoe Centre):** I'm pleased to deal with the presentation by the member for Windsor-Riverside. On the one hand, the member for Windsor-Riverside said the benefits go to the person who pays the most and what he's looking for is a reasonable tax credit for all. At the same time, he said that if there's too much money in the system it's going to disfranchise the voters, and he referred to the United States' system.

The fundamental fact is that it doesn't cost anything to vote. The bottom line here is that we're talking about participating in the political process. There have been standards set. Unlike the United States, we are setting standards with respect to spending limits. The party spending limit will be at 60 cents per voter, which is consistent with the 1997 federal party spending and reflects the cost of inflation over 12 years. There's also going to be a 96-cents-per-voter limit, which brings us in line with the federal spending per voter according to the 1997 federal election. The fact of the matter is that there are going to be party spending limits and voter spending limits, which is a far cry from what we see in the United States, so we actually are setting the standards here.

You were talking about tax credits and benefits going to the people who have the most to pay. What we are doing is opening the election process to allow everyone to make a donation to support the democratic process. If you do not pay any provincial income tax, you will get a tax credit cheque back as a refund of your donation. The fact of the matter is, the system is being opened very broadly.

The other parties are making the pitch, especially the member for Windsor-Riverside, with respect to his US experience. I didn't know you had to live in Windsor to be aware of what was going on in the United States, but the

bottom line is that it doesn't cost one cent to vote, and the system is being made fair.

**Mr Lessard:** It doesn't cost anything to vote; he's right about that. But one of the things we need to do is encourage people to exercise that opportunity to vote, and unfortunately what is being proposed here is advertising to try and influence people's voting behaviour. It's saying to people, "If you have money, you can participate because your vote will count." What we need to be saying to people is, "It doesn't matter how much money you have; your vote is going to count." That's what we should be trying to encourage.

The member for Simcoe Centre, whom I'm happy to see — I don't think I've seen him here before — mentioned the limits to expenses.

*Interjections.*

**The Deputy Speaker:** Member for Windsor-Riverside, you're not supposed to comment on whether or not members are in the House. You need to withdraw that.

**Mr Lessard:** Yes.

He mentioned the limits to campaign expenditures, but he doesn't mention those huge exclusions to polling and the leaders' travel.

I'll take the comments of the member for Mississauga South as a compliment. She mentioned other provinces' limits as far as the election periods, but what she doesn't mention is the impact that has when it's in combination with the changes to election finances. If we're just talking about the length of campaigns, perhaps that's something we could compare between provinces, but we do have to compare that in combination with the spending limits.

The member for Cochrane South makes a good point with respect to the privatization agenda of this government and how it impacts on our health care and our education system, things that we really should be debating. What we're debating is the privatization of the democratic process, selling democracy to the highest bidder, when really we should be talking about a more publicly funded, publicly limited election process.

**The Deputy Speaker:** Further debate?

**Mr David Tilson (Dufferin-Peel):** I'd like to make a few comments with respect to Bill 36, which is legislation to improve the election process in Ontario. The opposition parties have spent much time, it appears, on two major concerns they have with respect to this legislation. One is something that they call a sense of fairness or the increase of money that's available to all members of this place plus the various political parties. The second argument they seem to be concerned with is that of process, and they have spent much time with respect to that and how this legislation came about.

What they haven't of course talked about or indicated — I assume from their silence that they do support some of the other amendments to the legislation, which perhaps I could summarize briefly, and then get into the issue of dealing with what appear to be their two complaints to the legislation.

One item that I assume they are supporting is the philosophy of a permanent voters' list.

**Mr Bradley:** No problem.

**Mr Tilson:** The member for St Catharines says he has no problem with that.

I assume also that the members of the opposition do not have any problem with the temporarily absent voters being given the right to vote. I haven't heard any complaint about that.

The third item which I assume they don't have any problem with is the posting of voters' lists. The member for St Catharines says he supports that. Of course that was a private member's bill that the member for Ottawa South, the leader of the official opposition, introduced and which I think had all-party support. That was to do away with the posting of voters' lists around the various areas in the community. It was mainly proposed because of a safety issue. Women and seniors would no longer have to put their names out in public where anyone can walk up to a telephone pole or a post office and find out where they live.

The fourth item which I again assume the opposition supports is that of the ability to test new procedures during by-elections. There has been absolutely no comment from the opposition on that, and I assume they support that. I think we have to continually look at new ways to improve our electoral system. This is one of them. New technology is constantly being developed, and there's nothing wrong with having pilot projects tested during by-elections, processes that will change how we vote. I assume from their silence that they don't have any objection to that. We need to have the flexibility to test new procedures if all parties agree with the chief election officer, which is what section 4 of the bill proposes.

The fifth item to which I trust they don't have any objection is the fact that electors can be added on to voters' lists on election day. I'm not sure, but I believe that can be done to a certain extent now and that this will be clarified. Using the proper identification, everyone in Ontario who is eligible to vote will now be able to register on election day.

The sixth item is that all political advertising must show sponsors, which is section 62 of the bill. In all political advertising, parties, candidates, individuals, unions, associations and corporations that are sponsoring an advertisement must display their name for voters to be informed as to who is trying to influence their voting decision. I assume from their silence they don't have any objection to that proposal.

Section 60 of the bill states that registered charities cannot make political contributions in Ontario. I don't want to provoke the Liberals, but we all know why that section is there: because of some trouble during the time the Liberal government was in office.

The eighth one which I trust they support is that affiliated political organizations can no longer accept donations. That's section 65. I assume they have no objection to that one.

The ninth one is that the new offence of bribery is added to the act, a section which everyone has been silent on. I assume that no one has any concern with that as well.

The 10th item, which is one that may be controversial but no one has talked about it, is that recounts will be applied automatically if the spread is less than 25 votes.

**Mr Bradley:** No problem.

**Mr Tilson:** The member for St Catharines, on behalf of his party, says he doesn't have any problem with that either.

The other item is with respect to rules for proxy voting being made simpler. Individuals who know that they are not able to vote on election day can get a proxy.

Those are some of the changes to the bill which do not seem to be contentious and which members of the opposition have indicated they will support.

I then turn to two of the items, and there may be three, but two that I can determine they are concerned with, different forms of it.

The first one has to do with process. The opposition says that we are simply ramming this through the House without any debate or consultation, any discussion among the parties. There has been talk from the various members of the opposition how in the past — they refer to the 1986 piece of legislation, where there is consensus, and after consensus and all-party agreement we agreed to changes to the Election Act.

#### 1940

I am going to summarize a little bit what I understand has gone on since 1986 to counteract that. I'll look forward to hearing from other members from the House who have been around a little bit longer than I have, who perhaps can correct it.

The election commission was formed in 1975. As I understand it, the commission is made up of two appointees from the Liberal Party, two appointees from the New Democratic Party and two appointees from the Conservative Party. I think someone from the law society is also on it, and there's a chair, whose name is currently mentioned continually. His name is Jack Murray and he has had some affiliation with the New Democratic Party.

The last time this legislation was changed was in 1986. For anyone who has run in elections since then, there is always criticism as to how the process should be improved. One is enumeration. Anyone who goes around and hears the complaints from constituents about the enumeration process and whether they are on the voters' list or not on the voters' list and whether their name is spelled correctly knows that the legislation cries out to be changed. So 1986 was the last time there were changes to the legislation.

In 1991 the commission, as I understand it, this group of representatives or appointments from all parties, got together and decided there should be some changes. They formed an ad hoc committee which deliberated for a period of time, I think about three years.

In fact, a memorandum of agreement was finally reached. Barbara Sullivan, a former member of this House who sat with the Liberal Party and was the Liberal Party's representative, signed the memorandum of agreement on April 25, 1994, which document I believe has been filed in the House. Tom Dyson represented the Progressive



Conservative Party and Evan Simpson represented the New Democratic Party.

Many of the changes that are now proposed in this bill are set forth in this memorandum of agreement, which was agreed to by all parties. I think there was further documentation that people could refer to, but this was the start of it. This was the start of the changes to the current legislation that is before us today in the form of Bill 36.

So this was an ad hoc committee that made this report, and this documentation then went to the commission. The date of this document that I have is April 25, 1994. As I understand it, this report, this memorandum of agreement, was presented to the ad hoc committee, which again was made up of the representatives I spoke of, and it was accepted unanimously. So I get concerned when I hear members of the opposition saying there has been no discussion, there has been no consensus, there has been no agreement. Here is one agreement that was signed by at least one member of the Liberal Party, or then a member of the Liberal Party, Barbara Sullivan.

In 1996, the commission incorporated these changes and made their recommendations. The recommendations consisted of much of what was in this report, which was agreed to by all parties. That's consensus; that's discussing the problems that we have. Many of those who have had experience running in elections know all the various difficulties that we have with respect to elections. That includes the money part of it, the whole talk of money which they say we've created to help ourselves; we have an advantage because we're the government in power etc. These changes were agreed to.

Then we get into 1997 and, as I understand it, there were meetings of the House leaders.

In 1998, as I understand it, there was some sort of committee with Mr Duncan, the member for Windsor-Walkerville; Mr Christopherson, the member for Hamilton Centre; and the Chair of Management Board, Mr Hodgson. They met twice, as I understand it, to discuss all these things. The member for Windsor-Walkerville can stand up and correct me, but as I understand it, at that particular point in time things started to get very political. All of the agreements, all of the discussions that had taken place really since at least 1991, all of a sudden there was a problem. "We don't agree with what's going on. We don't agree with all of these changes. There's too much money being spent."

Your parties agreed to that. The New Democratic Party agreed to that. There were two meetings, I believe, and the comment was made to the effect that if there cannot be unanimous consent to the passing of this legislation, then there's no consensus and the whole thing should be turfed out the window. So there would be no changes to the Election Act.

I'm simply saying in response to all the criticism that has come forward from the members of the Liberal caucus and the New Democratic caucus that there have been no discussions, that our government has simply prepared all this stuff in the last couple of weeks and is ramming it through the House, that's not true. These things have been

discussed on a regular basis at least since 1991, and possibly before that.

I've only got a few minutes left.

That's one of their issues, the issue with respect to process, that we are ramming this through the House without consulting with the other parties. There has been all kinds of consultation over the last number of years. Representatives from all sides of this House have come to an agreement and put it forward. In fact, there's at least one document flying around which I have here and which is in writing, signed by representatives from all three parties, one a Liberal MPP.

Then we get to one of their issues that they call the "sense of fairness." The member for St Catharines uses that a lot. In other words, there's too much money being spent on elections, notwithstanding the fact that every one of us in this House knows that it's going to cost more to run an election. It's going to cost more because our ridings are bigger.

Compared to some of the northern ridings — the member for Timiskaming was speaking the other day and he talked of the size of his riding. In my riding normally today I go from Bolton to Honeywood and it takes me about an hour and a half to drive through that area. I can appreciate that there are many others in this House that you probably need a plane to cover areas because of sparse populations. With the new additions, the riding that I will be looking at is part of Wellington and part of Simcoe. It will be at least two hours to travel from one end to the other, and that's in good weather. Many members of the House could stand up and talk about their own experiences and how much time it takes them to travel — even longer.

Just the advertising, putting forward one's view — the member for Windsor-Riverside talked about advertising and how we're spending too much money to sell our stories. Of course, that's what elections are all about. Elections are all about trying to express why our views are good views, good policies with respect to the operation of this province. The Liberals and the New Democrats are spending the same way. It's going to cost more. The ridings are larger. We're still going to be saving an immense amount of money because of the downsizing of the number of seats, but it's still going to cost more. We will need more to operate, to put forward these views in these elections.

I made a comment last night that I understand the Liberal Party in particular is in the hole and has some financial problems and debt problems. I don't know how many millions they're in the hole. I know all about that. I sat with the Conservatives in 1990 —

*Interjection.*

**Mr Tilson:** I understand you're in the hole. If you want to deny you're in the hole, that's fine, but I understand that. The Conservatives were known to be in the hole at one time as well. That's the way the game rolls around. If your policies are accepted, the public will support you, the public will provide financial assistance to you, the public will provide volunteers. That's the way it's worked. Do

you think it worked any differently when Mr Peterson was running this province? Were you in the hole then? Now you're sitting around and saying: "Oh, the poor old Liberals. We're having trouble raising money." Of course you're having trouble, because your policies aren't exactly the clearest thing in this province. If you'd come together and come out with some clear policies, you might find more people giving you money. But don't blame it on this legislation. This legislation is trying to improve the Election Act, not trying to improve your coffers.

**1950**

The New Democratic Party is saying the same thing. They're in financial trouble as well, but not as bad as the Liberals, and I understand that too. Of course, they were turfed out of office. People didn't accept their policies. Naturally, if you don't accept their policies, why would you contribute to those particular parties? They're not accepted, so you don't give money; whereas on our side right at the current time the public is supporting our policies and wants us to continue on with the good work that we're doing around this province.

To say that the spending of money, that because the Conservative Party has a better financial position than the other parties — it's just fallacious to make that comparison that says this act is causing all that. This government is being reasonably successful with the way it's raising money because of our policies. The Liberals, on the other hand, are having a lot of difficulty raising money.

I hear stories that the Leader of the Opposition is going to different fund-raisers and he had to cancel a few. One was in Brampton, where he had to cancel his fund-raiser. Why did he cancel his fund-raiser? Nobody came out. Nobody supported him. So it is a little strange when you come into this place and start talking about the fact that we're getting all this money that's been given to us, and it's because of this bill that we've got all that.

**Mr Bradley:** The Barnicke bill.

**Mr Tilson:** You can call it what you like, member for St Catharines, but I submit to you that the public is accepting the policies of the province of Ontario and it has nothing to do with this piece of legislation.

I've just got a few minutes left and I'll conclude by saying I've outlined what I think are excellent changes to the election process. We all know it's needed and I would like to hear more members of the opposition indicating whether they support that as opposed to hanging around on these policies as to whether the process has been any good. Either say the changes are needed or they're not needed. It's a red herring to start talking about the process when in fact the process was quite adequate. The same goes with the issue of funding.

Those are my comments. I hope all members of this place will support this legislation, including the members of the opposition, who know that this legislation is needed to improve the electoral process in this province with respect to making this a better democracy.

**The Deputy Speaker:** Questions and comments?

**Mr Dwight Duncan (Windsor-Walkerville):** As we have discussed this bill last night, the member might recall

that there are two pieces of legislation played here and three committee reports over a period of roughly 10 years. The government has chosen to selectively paint this as though each of those bodies was dealing with the same issues.

What the government has done is picked what it wants, put them together into one package and effectively raised the amount of money that an incumbent party can spend. The member opposite talked about who can raise money and who can't. If the government's policies were so darned popular, they wouldn't need to double the amount corporations could give. They could rely on small individual contributions. This bill is about money, it's about who has it and what you can buy with it.

When you shorten an election period you have to do more advertising, which costs more money. When you raise the amounts that you can spend in either a local or central campaign, you need money. What we're saying, and what we advocated through all the meetings, is that (a) there ought to be consensus on how we make the rules, (b) money ought not to be the major determinant of a party's ability to get its message out, and (c) if the government really wants to improve elections in this province and wants to control money and influence in this province, why didn't you deal with things like controls on pre-writ spending? Why are you wasting taxpayers' money on needless propaganda? This is all about money. This is about who can buy advertising. This is about who can get the message out. It has nothing to do with democracy or fair play.

**Mr Lessard:** I think the member for Dufferin-Peel makes a very interesting point, and that is that if people like your policies, then they'll be inclined to make contributions to your political coffers. That's very true, but who is it who has the money who can make those contributions?

Certainly expectant mothers on social assistance aren't going to have any money so that they can make contributions. This government even took away the \$37 they used to be able to spend on food. They don't have the money. People who have seen their tax cuts eaten up by increased tuitions, user fees for health care, having to buy more supplies for their kids at school, having to pay increased prices for their prescriptions, don't have the money to make contributions to this government's political coffers.

We know who can pay. Those are the people who have the most money, people like Conrad Black, people like the Latner family. Those are the people who can make big contributions. They're going to benefit from the big tax credits as well and they're going to have some expectations when they make those sorts of contributions. What do you think they're going to expect in return? They're going to expect the government to implement more policies that they are going to like that are going to encourage more contributions to the political coffers. So it's going to be the government that appeals to the people who have the most money that's going to get the most political contributions.



That is the system that we don't want to see. That's the Americanization of the democratic process. It means selling the democratic process to the highest bidder. It really exposes the Progressive Conservative Party as the Republican Party of Ontario. They're going the same direction that Newt Gingrich went down in the United States a number of years ago. That's not the direction. It's a wrong direction. It's not too far too fast.

**Mr Allan K. McLean (Simcoe East):** I just want to comment briefly on the remarks made by the member for Dufferin-Peel. I think he made a lot of very good points that are very worthwhile. The fact is I think he calls it as it is.

The thing I'm concerned about, as are a lot of members here, has been the length of the campaign. I remember many years ago the federal government was 54 days and theirs went down to 37. Ours has been 37 and they're reducing that. We looked at other parts of the world where some of them have three-week campaigns. I think the length of the campaign here and this modification which was agreed to by the commission is the appropriate step to take.

They also looked at some of the other recommendations that were made by the commission and the fact was it's so much per voter. When I heard it was \$1.40 I thought it should have been the same as what the federal amount is because it's based on the ridings being the same as the federal. They changed that to be accepted. I know it was one of the Liberal Party's recommendations, and I agree with that.

There are a few things in here that are very worthwhile. I know the opposition always have to have something that they want to change, or to give them some length of talk, with regard to money. But the fact really is that you can only raise so much money during a campaign and only spend it during a campaign. The other thing is, the pre-writ is where some of the changes have been made. A lot of people don't spend a lot of money pre-writ. There probably are some, but we were never in the habit of doing that. We waited until the time came when the election was called to spend the money.

There are some key issues in this legislation which the member for Dufferin-Peel very well and thoroughly explained, and I agree with him. This legislation — the amendments with the shorter period of time, the more money for the campaign, which is the same as what the federal government's is — should be acceptable, and I have a feeling that most of it is acceptable to all members.

**Mrs McLeod:** I liked so much of what the member for Dufferin-Peel had to say. It almost made me hopeful that we could restore some sense of the integrity of the political and the democratic process when I hear the member for Dufferin-Peel say that elections aren't won on the basis of money, elections are won on the basis of substance and good policy and people's respect for good government. I liked that so much that I wished the member for Dufferin-Peel would make the same arguments with his own government caucus and his House leader and his Premier.

I think the member for Dufferin-Peel should go back and say: "Since elections are going to be fought on the basis of good government and the substance of our policies, why do we need this bill that maximizes our ability to win seats by virtue of how much money we can spend to win them? Why would we want to create the perception that we're out to buy seats when in fact we could go out and win this election on the basis of the substance of our policies and our record of good government? Why would we want to bring this bill in? Why would we want to bully it through? Why wouldn't we go back and get some consensus on the kinds of changes that would foster good democracy that all of us could agree on?"

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Of course there's one reason why he can't make that argument back to his caucus: Because his government has been all about spin. That's what they've been about for three years and they want to carry that particular record into the next election campaign. This is a government that spends millions on advertising its propaganda, on getting its spin out. This is a government that is about to misspend \$100 million on textbooks in a process that has been rushed through in order to get photo opportunities for Conservative members in September, and I suggest to you that there is no more record of good government for this government to run on than there is going to be quality in those textbooks. No wonder they want to maximize their ability to spin the electorate through dollars spent on advertising in the next election campaign.

I think it's interesting that this government wants to focus on this kind of a bill and to ram it through just as they have attacked democracy in so many other ways.

**Mr Tilson:** I'd like to thank the members for Windsor-Walkerville, Windsor-Riverside, Simcoe East and Fort William for their comments on my remarks.

With respect to the member for Windsor-Walkerville, I have difficulty following what he's saying in this debate and I'm sure at some time he'll try to assist me. All I know is that there are a number of documents which are actually signed by former members of your caucus, former appointees of your caucus, which support the changes in this bill. It's as simple as that. I don't know how you can come along and say, "This never happened." It did happen, and there's at least one document filed at this table: It was an actual MPP, Barbara Sullivan — I can't remember her riding — who signed documentation supporting the changes encompassed by this bill.

The member for Windsor-Riverside talks about the wealthy corporations, the wealthy individuals. He's no one to talk. I seem to recall lists. The member for Cochrane South is looking at me very inquisitively, but I seem to recall at one point your New Democratic caucus had tremendous support from union leadership with respect to this legislation. They gave you a lot of money, so don't throw rocks.

I'm just going to close, I've got about 20 seconds, by reading an editorial from my favourite newspaper, the North Bay Nugget, of June 11, which says:

"The most welcome change is a reduction in the campaign to 28 days from 37 days. That's plenty of time in today's world for parties and politicians to make their points. Most campaigns consist of repetitious speeches and promises given by different people in different parts of the province."

**The Deputy Speaker:** Further debate?

**Mr Sean G. Conway (Renfrew North):** I rise to join the second reading debate. I'm not surprised that the nearly monopolistic Black press likes what this bill contains. The nearly monopolistic Black press, whether it's the North Bay Nugget or the Owen Sound Sun Times, don't like monopolies except their own, but certainly the nearly monopolistic Black press likes what the government is doing. Big surprise.

I rise more in sorrow than in anger to speak on Bill 36 and I want to say at the outset that the member for Dufferin-Peel made some good points. This is a large bill, containing many changes, not just to the Election Act but to the election expenses act, and one would have to be a fool not to support a number of these measures. I think the member from Simcoe made that point as well. There are many changes in this package that I think deserve support. But I want to speak to three issues tonight that will provide the basis for my rejection of the bill in principle.

I want to say as well to the previous speaker, who I thought made a good speech, I don't really care about what went into this bill, except I know good people worked hard. As a member of Parliament, I have before me a bill and that's what I will deal with. I'm not altogether concerned about every stage of its gestation. I simply know what I have in front of me and I have Bill 36 and I want to speak to that around three particular areas.

I am saddened that this bill will abolish the election expenses commission. I think that is a very serious mistake. I don't know that anybody's referred to this, but if you haven't read the third report of the so-called Camp commission on the Ontario Legislature, published in September 1974, I think you should read it. It explains where the commission came from.

Essentially — and I don't have much time tonight so I'm not going to go on unduly, but reading from that third report — Dalton Camp, Farquhar Oliver and Doug Fisher, three people who spent a lifetime, virtually most of their adult lives, in the business of party politics and around governments, were asked by Mr Davis to look at the political situation in Ontario nearly 30 years ago. One of the things they observed was, and I thought this was particularly an interesting observation because as they surveyed the landscape — listen to this. This is what they say on page 13 of that report:

"We, the commission, conducted an examination of the electoral returns by candidates in certain Ontario ridings in the Ontario general election of 1971, all candidates being obliged to file under the Election Act. As a result of this study and as a general observation, we concluded that the present Election Act as it applies to the reporting of expenses is neither suitably observed nor enforced."

They said it's time to have a commission to give some oversight and enforcement because the old order, which left things in the hands of, yes, the chief election officer, was simply not doing the job that was legislated or expected. Mr Camp, Mr Fisher and Mr Oliver made a very good rationale for saying, "Here is an independent commission that is going to give some independent, rigorous oversight." Now we stand here tonight and say it is time to wash that away. I say, my friends, we make a serious mistake and I think we will regret that.

I repeat again, the argument that they advance in support of the commission is that the election law was simply neither "observed nor enforced." That's why they recommended a commission and now we're going back to the days prior to 1974. I think on that ground alone this bill should be rejected, not just because the commission's not there but, I say again, what was the rationale for the commission? It was a very good rationale. I wasn't a candidate in the late 1960s and early 1970s, but I'm a bit distressed to be told by political pros like Camp, Farquhar Oliver and Doug Fisher that it was just an illusion, little or no enforcement on all sides.

A second point of concern to me is the campaign period. I am a person who has campaigned for over 22 years in a large, and now increased, rural constituency. I don't believe that 28 days is appropriate, particularly for the rural and northern ridings, particularly the northern non-urban ridings. I understand and I certainly can appreciate how in some of the urban and suburban ridings 28 days might be appropriate. But let me tell you, in the new Algoma-Manitoulin, in Kenora, in the new Renfrew and in Frontenac-Hastings-Lennox and whatever, you're going to be expected to go from Kaladar to Pittsburgh township and a lot of other small places. There is an expectation that the people and the electors are actually going to see and hear from the candidates, and 28 days is simply not enough time.

The irony is, of course, that what we will have, folks, is — and this is where we get again the perversity of unintended consequences. We're making the campaign shorter, but effectively we will make the campaign longer. We will make it much longer. I'm going to tell you as an incumbent I am unduly advantaged by this 28-day period. I suppose at one level I should say hallelujah, good for me. I don't think it's good for the system in my constituency.

But there's another aspect. This is not going to produce the desired results. Campaigns will get longer. In fact I said earlier today at a caucus meeting the formal 28 days will be the dénouement, it will be the kind of after-period. I'm telling you, I expect to start my next campaign about January 15. Look at the American example. It has become an endless campaign. That's what's going to happen, mark my words. If you think that by limiting the campaign you've limited the campaign, you have done exactly the reverse. The campaigns will go on and on and on.

**2010**

The reality is that everybody is going to be out there campaigning. The warm-up period is now going to be for six months, and again we only have to look at the United



States, but there are other examples. Of course, as the campaign effectively is longer, so are the requirements to fund it, and that's my third objection: the money.

I heard somebody earlier tonight saying: "Oh well, the charity clause. You know why that's in there." That's my friends in the government rightly castigating the Liberals for the Patti Starr affair. You're absolutely right to do that. I was there. I'm probably the only Liberal who has not yet met this woman. I don't want to embarrass a good friend of mine who belonged to the Davis government — the only thing I'd ever heard about Patti Starr came from a member of the Davis government. I remember some very colourful language about a very interesting fund-raiser from north Toronto, and I always remembered the name. But you're absolutely right, we deserved to get our posteriors booted. But if you think that's where the debate ends, of course it doesn't.

I'm not going to use time tonight to go through the chapter and verse. I could say to the New Democrats: "Look at that Stupich affair in British Columbia. Look at that mess, the Nanaimo bingo society." I look at the disgrace that we've now got in Saskatchewan, where it looks like the government caucus in the 1980s was an organized criminal conspiracy to defraud the taxpayer. What have we got now? We've got about 10 convictions; we've got at least one suicide. I would have said it was one of the most antiseptic political cultures in the free world — just aghast at what happened in what we thought was innocent and pure Saskatchewan. Have there been political scandals involving money? You bet. Again, Messrs Camp and company make that point. That was something they were trying to clean up.

When I got here in 1975, these were the new rules. I don't think we have made a more significant and positive step than Mr Davis made with the support of the Legislature in enacting that legislation. I come from a political family, and I can tell you this, those of you who have, as I said here last night, put your name, your family honour, your integrity on the line: There is nothing in this business we are in that will more quickly and more permanently besmirch your reputation than the money problem.

One of the great tragedies — no, not a tragedy of my life here. When I think of some of the people I have known here, some of the best people and some of the near lifetime burdens they carried because of money, and I think of my own grandfather, my own family — I'm telling you again, that was all pre-1975; election expenses, what you had to do to pay these bloody bills, the kind of compromises that you were forced into — I don't ever want to go back to those days and I don't want any one of us being unduly compromised in that connection.

Let me tell you, the greater the reliance on money, the more likely that is going to be a reality. I said here, again I think it was last night, I try to read the New York Times most days. The American press, most especially the New York Times, is just entertaining every day about what is now one of the great debates in American society, and that's campaign financing. The one character that the Times, perhaps unfairly, has picked on is Senator Pothole,

now, as they said in an editorial last week, Senator Quid Pro Quo, Alfonse D'Amato. He's currently the chairman of the senate banking committee. He has raised for his upcoming campaign, according to the Times analysis of his return, 17 million bucks. What he appears to be doing is just toll-gating Wall Street. He is influence peddling, but he's not the only one.

On the other side, what could be more pathetic than that spectacle last year, 18 months ago, of the apparently virtuous Vice-President Al Gore trooping out of some Buddhist temple on the west coast with garlands around his neck and all kinds of questionable money in his pocket. And the list just goes on and on. If you think that any of us is immune to that, think again. I say to my colleagues in the House, not to the wire-pullers, not to the consultants, not to the fast-buck artists behind the curtain, it's your name, it's your integrity that's on the line.

One of the things about having been around here for a while is I have seen good people walk through that door dishonoured by this wretched business. By the time they found out, the tears were everywhere and there was not much you could do. In too many of those cases it was the pernicious influence of the need for money, the pernicious influence of money.

There's been a lot of talk here, but nobody here can deny the reality that at the central level we have made exclusions that effectively raise the spending limits for the central parties by a couple of million bucks. That's a very real thing. It does something else, by the way. It increases the need for money. Also, I say as a member of the Legislature, it further reinforces the power of the central office and the party leadership.

According to a lot of independent academic analysis, it's already too great a power in our system. There's a lot of talk of too many politicians and the rest of it. You know what the independent academic analysis shows of our system? That the dominance by the central party office and by the party leaders is greater than just about any place else you'll find in the old British Empire Commonwealth, and this legislation just strengthens it even more.

But money and the need for money — I'm not here just to condemn the Conservative Party, though they sponsored this legislation. Let me say as a Liberal, I've been a party activist for a fairly long period of time. I am getting sick and tired of the mail I get from my party at all levels because all they ever seem to write me about is money. I don't think I'm very different. I hear from my Tory friends they are equally sick of it.

**Mr Bisson:** I thought it was only us.

**Mr Conway:** I think I speak for everybody. If you get mail from your political party these days, nine times out of 10 it's, "Write us another cheque for more money."

**Hon Mrs Marland:** I got one from Howie last week.

**Mr Conway:** I may have it, but that's not the point. I say it as somebody who understands the realities of public life, and I'm not here to argue for some kind of ridiculous, nonsensical set of proposals. But make no mistake about it, Bill 36 raises substantially the need for central parties to raise money. It also changes significantly the campaign

period. It not only makes it longer but, as I said earlier, it excludes certain kinds of campaigning.

Look at the US. The mess of the 1970s led to a whole series of changes. Look at the unintended consequences. They put some controls on what was called hard money and now what is the great bane of the American political system? Soft money. Everywhere, every place you look, there's soft money and there's somebody out there raising it. As a group of men and women who have made the sacrifice to get involved in public life, do you really want to join that parade, whether it's Bill Clinton or Newt Gingrich? Have you seen the debauchery and the debase-ment that is now the everyday life of an American politician? I don't wonder for a moment that, as the fund-raising becomes more frenetic, public esteem for the whole lot of them just drops day by every day.

If you look at the debate today in the US about the tobacco stuff — of course aided and abetted by Howard Baker and some Democrats. They retire Congress and then they sign up for some wild and questionable lobby that will fill their pockets with retainers. But we have a problem as a class. We're not in very high esteem, and this increasing reliance on the money business is not going to help us as a collective. The opportunities here to toll-gate and to peddle influence, we'll dress it up and call it something else, but look at what the New York Times found out about Senator Pothole. It couldn't be clearer.

#### 2020

I'm going to tomorrow speak on the Hydro bill, and let me be very honest: That bill — Bill 35, I think it is, the electricity reform bill — will present the greatest commercial opportunity for political consultants and fund-raisers that this province has seen in half a century. You could finance the next six elections on the commercial possibilities of that one initiative. It is a multibillion-dollar business that is going to be opened up and it will be potentially the grandest barbecue of all. You'll say, "No, that couldn't happen." Come back tomorrow and I'll tell you a little bit about how it did happen in the past. It may never happen again, but I look around me and I see nothing to give me confidence that it is not going to occur.

You might think it's just the US. Have you been following British politics in the last decade? The sleaze factor at Westminster — we have British MPs selling themselves at I think £1,000 a pop for an order paper question. It was just unbelievable. It's hard to imagine that people would do it, but more than one of them did it.

So I say in my remarks tonight, many of these changes ought to be supported. Three of these changes I think are very seriously wrongheaded. The abolition of the commission is fundamentally and seriously wrong and it ignores very powerful advice tendered 25 years ago by some very thoughtful and experienced people representing the main political party. I think for rural and northern ridings the 28-day period is unduly short, though it is of course tailor-made for the suburban political culture in which we live. The expectation is now you'll only communicate with your electorate through glitzy television ads. That's essentially the new political dialogue, and this policy assumes that's

the way it's going to be for 90% of the population into the future.

Most seriously, I repeat, my fundamental objection has to do with the fact that this bill increases by a substantial measure the opportunities for central parties to raise and spend money. It allows exemptions that are very significant and I think opens the door, as many others have observed, to the pernicious influence of American-style big money, which is the cancer of their politics, and it ought not to be welcomed here so gleefully because, as far as I can tell on the basis of my analysis both in Canada but also in the United States and in Britain, it is a cancer that will continue to debilitate the body politic, will continue to debase our collective reputation, and in some real respects will not serve the ends that even its sponsors imagine.

With those remarks, Madam Speaker, I'll conclude my speech.

**Interjection:** You don't look like a madam to me.

**Mr Conway:** Oh, sorry.

**The Speaker (Hon Chris Stockwell):** I've been called worse. Questions and comments.

**Mr Bisson:** That was an interesting comment.

To the member from Renfrew, it's always interesting to listen to him deliberate in the House. He raised a point that hasn't been raised in this debate that I think is quite important for people to listen to and that is the whole issue of abolishing the Commission on Election Finances.

The member is perfectly right because what he's saying is that basically the commission was put in place for a very specific reason. Under the old system, before the commission was put in place, it was very difficult to assure ourselves that candidates in the riding associations, and I guess to a certain extent the parties but probably less so, were following the rules exactly to the T. What they thought, and that's what came out of the Camp commission, was that it was really important to have an independent commission that could look at what candidates and the riding associations are doing and assure ourselves that people, when running in elections, are following the rules set out by the act itself.

There is a danger when you go back and say we're going to abolish the commission and we're going to put that power to the chief electoral officer — because I have confidence in our present chief electoral officer. I don't have any bones to pick with this individual. I think he's a very respectable person. But once you've got the ability to transfer that amount of power to an individual, what happens if in the next election Premier Peterson or Premier Hampton or — I can't remember the Liberal guy's name; sorry — anyway, what happens if the future Premier says, "I want to put my friend in that particular position," and decides to make a very political appointment? Then you have a lot of power with that appointed individual to turn a blind eye towards the Premier's candidates and their riding associations. We need to recognize why the commission was put in place: to make sure and to perceive that everything is squeaky clean. This is going in an area where we don't want to go.



**Mr Bill Grimmett (Muskoka-Georgian Bay):** I have the pleasure of addressing the comments made by the member for Renfrew North. At the outset I'd like to congratulate him for a wonderful speech, very candid. Certainly many of the points he made would be difficult for me to engage him on. However, I want to address a couple of points that he raised.

His point about the integrity of the individual member is one that we all should keep in mind. Certainly it's one that I keep in mind whenever I'm going to work on this job, and I think it's one we all have to remember as we face the rigours of going into a campaign etc.

In the discussion about the length of time a campaign should provide to a candidate, however, I must say I disagree with the member for Renfrew North that 28 days is not enough. I think the size of my riding, or the riding that will soon be remembered as Muskoka-Georgian Bay, is probably roughly the same as Renfrew North and it is difficult to get around and see everyone in 28 days, but I can clearly recall from the 1995 election that the people in Muskoka-Georgian Bay — I don't know about the people in Renfrew North — did not have an appetite for the campaign during the first two or three weeks of that campaign. I know that from personal experience, going around and speaking to people at the door, because I worked very hard going door to door during that campaign. I can tell you that an awful lot of people didn't even know the campaign was under way, and as I said, they did not have an appetite for the discussion.

The other comment about an endless campaign — I'm a rookie member here. I haven't been here before, I haven't served in opposition, but it seems to me there is an endless campaign in this place already. It was under way in 1995.

**Mr Bradley:** I want to commend the member for Renfrew North on his very thoughtful speech. He is a person who (a) has been in this Legislature for some 23 years, and (b) perhaps even more important, is as widely read as anybody I can remember serving in this Legislature, and that's important, because he has looked at the history of this province, the history of fund-raising, the history of elections, he has looked at experiences in other countries, specifically south of the border, where many problems have arisen with campaign financing, both in the donation end and the expenditure end. The advice he provides to members of the House is advice we should follow.

He also indicated clearly that there are many aspects of the bill that if the government had brought in the bill with simply those aspects — not dealing with fund-raising, not dealing with the abolishing of the election finances commission, not dealing with the shortening of the campaign — you would see a consensus. The member for Windsor-Walkerville, who so ably represented the Liberal Party in that committee, indicated clearly that there were many parts of the legislation that were quite acceptable, and probably acceptable to all members of the House.

The contentious issues are the ones which will give politics a bad name or a worse name than it has at the present time, will demean the process, will get people into trouble, will perhaps exclude some people from becoming

involved in politics. If a candidate is starting out, he either has to have a lot of personal funds himself or herself or has to be beholden to somebody who is raising those funds. That person is compromised right from the beginning and may look at the option of entering politics and decide that should not be the option that he or she shall exercise.

I simply ask the government, as I'm sure my colleague does, to reflect upon what has been said in the House and to accept amendments which would improve this bill considerably, perhaps make it more acceptable to the people of this province.

2030

**Mr Lessard:** The member for Renfrew North has many years of experience in this place, and I think we should pay attention to his remarks and the wisdom and experience he has to offer. He talked a bit about the elimination of the election expenses commission. I think that's something we should be wary of. The job of keeping a close watch on election expenses is one that is really too big for just one body to deal with, and we shouldn't be eliminating the election expenses commission.

He also talked about the influence that money will have in the next election campaign as a result of the changes that are being brought about and the opportunities to make money from many of the items on this government's agenda, and he spoke specifically with respect to the opportunities to make money on the deregulation of Ontario Hydro.

We know that when we go through this exercise as a result of the government's introduction of legislation to deregulate Ontario Hydro, there are going to be many lobbyists coming to make presentations to our committee. There are many in the energy business from the United States and Great Britain and elsewhere in the world who want to get a foothold in the Ontario market who will be appearing before our committee. Many of those people will feel that they will have a better chance of getting into that market, influencing the way the hydro market unfolds, by making campaign contributions to the government that brought in these reforms, the Mike Harris government. It is an endless campaign. It's a campaign that should be focused on convincing people to vote for the government, not through big money.

**The Speaker:** Response, member for Renfrew North.

**Mr Conway:** Thank you, Mr Speaker Stockwell. I apologize for not realizing that you had taken the chair from the Deputy Speaker.

With that said, I want to make one final observation about some of the unique characteristics of our democracy, because as has been said by others, one of the features of the Ontario political culture is that it is a culture in which there is very strong dominance by cabinet and by the leadership of the cabinet, irrespective of whichever party has been in office. We have a relatively weak parliamentary tradition.

What we basically have, and what we're going to have more of with these changes, as Mr Hodgson would like, is what some would call an increasingly plebiscitarian

democracy, where once every four years you go and get a chance to elect almost a presidential-style cabinet government. But that's it. You only get that chance once every four years, and once the Parliament is elected it's very much under the sway of the cabinet. I'm not saying that as a partisan observation, because it's as true of the Liberals and the New Democrats as it has been of the Tories. So, shorten the election period and you reduce even further the opportunities and you conversely strengthen the power of the centre.

One of the realities that Mr Hodgson and Mr Harris are very anxious not to talk about as they advance the Fewer Politicians Act and as they advance Bill 36 is, what measures are this government and the Conservative-Reform party prepared to advance to reduce the power of the Prime Minister and the cabinet or the central party office? I haven't seen anything — lots of measures to reduce the powers of Parliament further and to reduce the role of the individual member, but nothing yet to reduce the real power, which is the power of the Premier, the party leader and the central party office.

**The Speaker:** Further debate?

**Ms Marilyn Churley (Riverdale):** I always like to listen to the member for Renfrew North. In fact, it's a bit daunting to speak after he has. I was just complimenting him today on his very good abilities in speaking and in fact told him — no disrespect to their leader — that I think he would have made a great leader.

I like to listen to the member for Renfrew North also, though, because he is a veteran member of this place. I like to listen to other veteran members as well: the member for Algoma, the member for St Catharines, other members who have been around this place for a while. I used to like to listen to some of the Tory veteran members at one time. I have to ask, where are their voices in this debate? I can tell you now, they should know better, and I believe some of the veteran members of the Tory party who have been around this place for a while do know better, just as they fundamentally knew better that the rule changes were wrong, because those people have been around here.

I'm still learning. I consider myself one of the newer members, I was elected in 1990, and I know how this happens. I see how power can be centred in the Premier's office. I don't mind saying that. It's the nature of the beast here. I also see new members — I think that some of the veteran members are seeing this in the Tory party as well — who come into government, are in the back benches and are never going to make it to cabinet, and some of them are deserving and some aren't, but there isn't room for everybody in cabinet. They have no say in any of the decision-making. They're the government. They're in power. They're whining, they're complaining, they're thumping their desks and stamping their feet and saying: "We're the government. Why aren't we getting this bill through? Why aren't we given more power? We should be. We're the government. We won the election."

That's what happened with the rule changes, I can guarantee you. If I had been a fly on the wall in a caucus

meeting — I can even guess some of the members who were stamping their feet and saying: "Hey, we're the government. We want more power." I'm not going to name names today, but they did the same thing with the rule changes as they're trying to do, as they are doing in fact, with the changes to the electoral act. They're doing the same thing. They're cherry-picking. They stand up and say there were three reports over a vast number of years, there has been wide consultation, "We're not doing anything that nobody recommended; everybody agreed to this in the past," but we know. We are not fooled. What they have done is cherry-pick so that they don't all come together.

The same thing happened with the rule changes. They said: "Oh, we've done what the federal government has been doing or is doing. BC does this, Nova Scotia does that. These are good rules. We're just picking the rules from other legislatures." But what they did there as well was cherry-pick, so there is no comprehensive package, whole, to the changes.

What happens with both of these rule changes, it really is the beginning of the erosion — in fact, I would say that we're far beyond the beginning of the erosion of democracy in this place. I think people should be concerned. I think that people should be paying far more attention to this issue. I remember the fuss that was kicked up over the first one that we had to sit in, the omnibus bill.

**Mrs McLeod:** The bully bill.

**Ms Churley:** Thank you. The bully bill, Bill 26. We had to take extraordinary actions. People talk about Liberals and New Democrats working together. That was one example where we did come together, because we looked and worked to try to at least hold that bill up, and we were somewhat successful, to give people more opportunity to find out what was in it, because it was very clearly a huge attack on democracy and the way traditionally things were done in this House.

That is the same thing that is happening here with the finance changes for elections. It benefits the government, the government in power, just as the rule changes did. Because of that and because of the sit-in or the so-called filibuster at that table — I remember it well — for nine days, we were able as an opposition to hold up the House while we were able to get information about the education bill out there to the public, because that was going to be rammed through as well.

The problem now is that as a result of those two actions, the government then changed the rules so drastically that the opposition has no power any more to do anything except break rules, which I think fundamentally the opposition doesn't want to do. That's what we have now, rule changes designed, along with the two-in-one sessional days we have now — we're whipping through bills. The public have no idea what's going on out there most of the time; there's too much happening.

**2040**

I believe to some extent, interestingly enough, it is because of the rule changes, which were made to benefit the government so they can ram things through daily and



every evening, that there's not a whole lot of attention being paid to this bill. I believe that this bill should take some extraordinary action on the part of opposition and the public out there, because what it means, why the public should be concerned about it, is that we're on this slippery slope, going down, down, down; we're losing the kind of democracy that people are used to in this place.

Mark my words, there will be members of this government back here in opposition some day, perhaps not too far off. Then you are going to see. I know there are some who believe you're going to be like dictators and be there forever. I know you believe that, but trust me. You think that partly because you're changing the rules to your benefit. I don't have the opportunity to raise that kind of money. I run a grass-roots campaign.

**Hon Mrs Marland:** Remember when you ran.

**Ms Churley:** Yes, you should see the corporate donations I get, Margaret; not a great deal. I don't think many corporations feel they're going to benefit greatly by giving Marilyn Churley, the environmentalist and feminist from Riverdale, a lot of money. I would say that's true of many other groups out there, so I depend very much on grass-roots support. I ran my first campaign, as I'm sure did others, very much as a grass-roots, community-based candidate who depended almost entirely on the door-knocking and grass-roots campaigning, seeing people at the door, talking to them about the issues and raising money on a local level.

**Mr John R. Baird (Nepean):** And you won.

**Ms Churley:** Yes, but it's not going to be the same any more. You've increased the size of my riding and you've lowered the length of the campaign. There are fewer days to get out there in a bigger riding. You've increased the spending so it's going to move from a grass-roots, knocking-on-doors, direct contact with the voters to a sophisticated media campaign. Those who have the most money will benefit from these changes in the rules. I would say that I think it's a disgrace, but I also think it is a mistake.

When you have exemptions, for instance, like travel, what does that mean to most people out there who aren't involved in campaigns? They say, "Buses."

I remember when Mike Harris's bus rolled up in Riverdale. I forget the slogan on it now, but I was a little shocked and surprised to see that bus.

**Mr Baird:** "Common Sense Revolution."

**Ms Churley:** Oh, it said, "Common Sense Revolution," right. It rolled up in Riverdale. People are used to seeing leaders, even, campaigning around in buses. What this is going to mean in a shorter campaign, and I believe the member for St Catharines mentioned this, is that you're going to be able to afford to hire jets, and you will, because you're going to be able to get the money from your corporate friends for your leader, your Premier, to fly around and have a very slick, quick campaign.

Our party is not going to be able to afford that kind of campaign. I think that amounts to buying the election. That's essentially what you're doing here when you shorten the campaign period and you allow exemptions like travel, like research. Well, let's say travel reads

"jets." Research: What does that mean? I'll bet you that's going to just kind of trickle into certain kinds of media campaigns and things. What exactly does that mean?

Then you're polling. Polling, as we well know, is very important to campaigns.

**Hon Mrs Marland:** Not to mine.

**Ms Churley:** The member for Mississauga South says it's not important to hers. I'm talking about the central campaign, member for Mississauga South. I know you're not that naïve. I don't personally poll either. I'm talking about the power in the leader's office, the Premier's office, and the need for the central campaign to keep its finger on the pulse of how the public is reacting to the campaign almost on a daily basis.

All of these expenses are now, for the first time, being exempted, will not be counted any more. When I hear members from the Tory party get up and say that this was almost all-party agreement and it's not about buying the election, times have changed, we're doing what the federal government does and the ridings are the same size now, that is not quite the way it is. The federal ridings are now the same size but they have a longer campaign period. The per-voter cost now is up to the same amount but for a shorter campaign period, which means actually it's more. That is common sense.

I would say to the members that this is actually a very serious issue. I also would say to the members that I think you're not really paying attention to the implications of it or perhaps you are, because I would assume, in fact I know, that most of you, if not all of you, are in a position where you can raise a lot of money from your corporate friends.

I have a feeling that those of the others from both opposition parties who said that these rules were cooked up some time ago by the so-called whiz kids — I don't know, was it the member for St Catharines who first started calling them whiz kids? It seems to be the name we give them now. But the whiz kids in the back rooms decided to cook this up. It's a very dangerous game they're playing as we notch down the democracy in this place so that more and more and more what we see is the government having complete control over the legislative agenda.

I've been around here long enough to know that it can be very frustrating when you're in government. I've been on both sides now. I was a minister in the Rae government and I'm now sitting in opposition here. I know what it's like to be in government and have an agenda and you want to get on with it. It's frustrating when you're being held up by the opposition parties.

But I would say that we have a great deal of power in this place. We can make laws, we do make laws, that have huge impacts on our constituents, on the people of our communities, and in the workplace we have a huge influence. We have to exercise our power carefully. The more we ram legislation through, without the ability for there to be — yes, frustrating sometimes because you know at the end of the day you're going to pass the bill anyway — but to give the opposition the opportunity to debate the issues, to read the bills, to get the public involved; the reality is

you don't always get what you want but you mostly get better legislation.

We know time after time after time, as this government continues to ram bills through, which you do now daily, time allocation after time allocation after time allocation — people have no idea it's all happening so fast, what's going on here. As you ram these bills through, look what happens. They're full of holes, they're full of mistakes.

Look at the Minister of Municipal Affairs' tax bill. Is it the fourth time he's had to introduce yet another bill to correct mistakes? It still isn't working. We're still hearing from administrators that it isn't going to work. We know that people's taxes in Toronto are going to go up as a result of this. Part of it is just because the government continues to ram things through without consultation, without listening to issues raised by the opposition.

You know, some of the time some of the issues raised by the opposition are actually helpful, but there are so many know-it-alls over there in that party who are absolutely convinced that they have all the answers, that there is nothing that any member of the opposition, including the veteran members, can say that will change their minds. The reality is, often there are good comments, good suggestions coming from some of the members from this side of the House, and the government refuses to listen. We're going down a very slippery slope here. I believe, for instance, the member for Mississauga South should know that, because she's been around a bit longer than me. How many years now, Margaret?

**Hon Mrs Marland:** Fourteen.

2050

**Ms Churley:** Fourteen years. She is somebody I'd consider to be a veteran in this place who has seen the House from both sides herself now. She's made it, she's become a minister in the government and she's played the role of opposition.

What we're having here, in summary, is rule changes to the Election Act, the finances in particular, that are going to benefit the party in power. In this particular case these changes are going to benefit the Harris Tory party, who during its three years in office have indeed started a revolution in Ontario. It's a revolution that has helped the wealthy and big corporations in this province and that has hurt poor people and average people.

I see it day after day in my constituency office, where I see more and more, as that crack gets wider and wider, people falling into it daily and where there are no safety nets any more in those cracks. I see people who have a mental illness who have to leave their jobs because they can't get their drugs any more. This is happening to a constituent of mine right now. I've been talking to his doctor. The only way he was able to get his drugs, because he didn't fit under the rules any more, was to be admitted to hospital. He lost his job. I see a young, pregnant woman with no support — 17; she'll be 18 in August. She's pregnant with no support, from a very poor area of my riding. She can't get any social assistance because she's not yet 18 and she's going to be thrown out of her apartment

because she doesn't have the rent to pay. Those are just two examples.

Another one: A mother whose young son is 12, a brilliant young boy but who has some very serious aggression problems and is a danger to both his mother and his brother. She is going through incredible hassles. She can't get him placed. Finally they agreed that he could be placed somewhere in Peterborough, that far away from a supportive mother and brother who wants to help out. She cannot get him placed anywhere else. We're still working on those. We see people who have been victims of the family support plan. I have just mentioned a few today, and these are real people.

When I say that this government has worked very hard to change labour laws and to change other laws to benefit the corporations, to benefit the richer people, the people who already have power and money in our society, that is what we're seeing enhanced here today with this bill. It gives those people with power and money, many of whom have too much already, even more power and even more ability to influence this government, to influence and gain even more power.

I think that is shameful; I really do. I don't think the corporations out there, given the way this government has listened to them already with the kinds of financial rules in place, need that much more power. But other members who have talked about this are right: The more money they give, the more power they are going to be able to exert.

**The Speaker:** Questions and comments?

**Mr Jack Carroll (Chatham-Kent):** It's always a pleasure to have a chance to comment on a speech made by the member for Riverdale. She talks a lot about influence buying, the purchasing power of influence. I think it might be wise to recollect from the 23rd Annual Report of the Commissioner on Election Finances just exactly the magnitude of the average contribution to a political party in this province in 1996.

The average individual contribution for the NDP was \$81, for the Conservatives it was \$121, for the Liberals it was \$169. I'm not really sure how much influence \$81 or \$121 buys you, but those are the facts. When it comes to corporations — very interesting when it comes to corporations — the average corporate gift for the Liberals in 1996 was \$930, the average corporate gift to the New Democrats was \$910 and the average corporate gift to the Tories was \$522.

I'm not really sure exactly what the member for Riverdale is talking about when she talks about influence and the purchasing power. This really is much ado about nothing. The member for Riverdale talked a lot about us ramming things through and no consultation. Just this afternoon I sat in committee with a colleague of hers from Welland-Thorold, Mr Kormos, who went to great lengths to tell the people at the committee that Bill 22 is a waste of time: "The committee is eight days in consultation. What a waste of time. We shouldn't be doing that. Too much consultation." Now the member for Riverdale says here tonight we ram things through. So I'm not really sure:



this afternoon, too much consultation; tonight, not enough consultation.

A comment from the Chatham Daily News, a paper that's very dear to my heart because it's from my riding:

"For our money, a shorter election campaign means less rhetoric and standardized spending and a revamped remuneration system makes, dare we say it, common sense. 'Hardly the stuff of dastardly plots.'"

**Mrs McLeod:** The member for Riverdale has covered a number of issues of very real concern to members of this House, I'm sure, such as the cherry-picking that the government likes to do when they reference where they had taken their ideas from for this legislation. We've certainly seen evidence of the cherry-picking. Every time we've asked this question in the House we've had the Chairman of Management Board saying, "You know, all we wanted to do was to follow the federal rules for election expenses."

They of course are cherry-picking in the responses because they know full well that when it comes to the spending limits for the central party, they are well in excess of the expenditure limits which are recognized by the federal party. In fact, they are something like \$2.3 million in excess of the federal spending limits, which will buy a great deal of television advertising for the central party in the next campaign.

They also cherry-pick when they want to talk about recommendations of previous committees, because one recommendation that's in this legislation which didn't appear on the part of any committee, any commission, any independent party, was the idea that we would have a shorter election period than either the federal government or the current election period.

That is a very real concern to the member for Riverdale, as she is noted as somebody who likes to believe, as all of us, I think, like to believe we are running grass-roots campaigns in which the purpose of the campaign period is to be back talking to our electorate, being held accountable as individuals to our electorate. A shorter campaign period makes that virtually impossible and increases, as the member for Renfrew North has said, the dominance of the central party which the Progressive Conservatives, Mike Harris Conservatives, are going to make sure is well funded.

Mr Carroll, the member for Chatham-Kent, is being disingenuous at best to suggest that corporate donations prior to the last campaign were somewhat similar. He ignores the fact, which he knows well, that being in government offers a certain advantage. As the member for Renfrew North has pointed out, should there be a Hydro fire sale at some point in the future, that will be very beneficial for government. The casino influence might be even greater in the next —

**The Speaker:** Thank you. Questions and comments?

**Mr Lessard:** I want to commend the member for Riverdale for very insightful comments with respect to the changes to the Election Finances Act. One of the questions she raised was why the government with a big majority would want to bring these changes into place now,

changes that have traditionally been made with the consensus of all the parties in this Legislature. Why would they want to bring in changes that could affect them to their detriment if they ever found themselves to be opposition members?

One of the points that the member for Riverdale made is that, when in government, members must realize that there is the possibility that they may not always remain in government, that the changes they're making now may some day come back to haunt them. I hope the members on the other side in government take that point.

The member also talked about the shortening of the campaign period and how that affects our ability to engage in a grass-roots campaign, where it's important for all of us to get out to visit as many electors as we can. I happen to think that that personal contact with electors is very important. I don't want to see a campaign that becomes highly centralized, that's based strictly on the results of polling and big mass-media buys on TV, on radio and in newspapers. I think we should have a campaign that's not focused solely on who can buy the most television ads and have the greatest influence.

The member for Dufferin-Peel talked earlier about how if people like what the government is doing, they'll be more inclined to provide it with funds. Well, I say that if people agree with the government, they'll vote with them without that undue influence by large media campaigns. Why not have an election like that?

**The Speaker:** Questions and comments.

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**Hon Mrs Marland:** I wish all members opposite would do an accurate comparison of exactly what is in this bill, because when they talk about our bill adopting the same limits as the federal government, they're totally wrong. The fact is we are setting limits for contributions to riding associations and to recognized parties, whereas federally there are no limits.

Let me just say something more than what the opposition are saying. I think each one of you tonight have stood up and spoken as incumbents. You've said, in the first person: "I need more time to campaign. I can't campaign in 28 days." May I just suggest to you, and I can say this having been in opposition for 10 years, you can get re-elected if you have served your constituents well. Our government will be re-elected with 82 or more seats because we have served the people of this province well.

The thing you have to remember is that if you have six, eight or 10 weeks to campaign, if you have not served your constituents as an incumbent, you won't get re-elected. It's not about how much money you spend or how many polls you can conduct in your riding; it's about the fact that after you are elected you start the very next day to serve your constituents. On that merit alone, you deserve to be re-elected, wherever you sit in this House, I would suggest. Each of us has a role, whether we're in opposition or in government. If we look to the needs of those people who elect us in the first place, and serve them as it is our privilege to do, we will be re-elected. It won't be a matter of whether we've got four weeks in a writ

period or 10 weeks; it will be because we've served them for the duration.

**Ms Churley:** First, to the member for Mississauga South, she should know better. She's been around for a long time. She knows what happens in election campaigns. I think what she said is a real insult to some of the people — in fact to her party in the past and to both opposition parties — who did not get re-elected, who we all well know were very good members and were very good to their constituents. That is not a fair assessment and she knows it. In fact, it raises the question as to why they're raising the limit in the first place. If her premise were to rest on any solid ground, then there would be no reason to raise the limit. So it is illogical as well as unfair.

I would say to the member for Chatham-Kent, I want to see where you got those figures. I can't argue them now, but there's something wrong with those. I'll talk to you later. But let me say, it raises a serious point, and that is, the government in power, and that's what we're talking about here, has the power to raise a lot more money generally from corporations — and boy, do you guys have an opportunity, as has been raised by other colleagues tonight, even perhaps from the sell-off of Hydro. You have more of an opportunity to raise from corporations at this point than we do.

I would say to the member for Fort William, who's been speaking for quite a while on this issue, that I think she and I come from the same roots to some extent. We're grass-roots campaigners.

I would say that as an incumbent, with all due respect to my opponents — I take nothing for granted — I have a good chance of winning the next election. In fact, I believe this is a disadvantage to the non-incumbents. I do have an opportunity to get my name out there, to be out helping constituents. I think it's a disservice to the newcomers. They won't have enough time.

**The Speaker:** Further debate.

**Mr Dan Newman (Scarborough Centre):** It's my pleasure to enter the debate on second reading of Bill 36, the Election Statute Law Amendment Act. I think it's important to look back to 1994 when the Common Sense Revolution was released, in May 1994, a year before the election. That document, which won great approval across this province, set out to cut taxes in this province, and we've done that. We've seen 66 tax cuts since this party took office when they were elected by the people of Ontario.

The Common Sense Revolution also talked about cutting government spending, and we've done that, while still protecting health care. In 1995, the spending on health care was \$17.4 billion; today it's \$18.5 billion, and that's in spite of the federal Liberal government cutting over \$2 billion in transfer payments to this province. As a government we've been able to not only protect but enhance health care by the tune of \$1.1 billion. That's important to keep in mind.

The Common Sense Revolution also spoke about removing barriers to job creation and removing red tape, and we've done both of those. We've seen the massive

number of jobs that have been created in this province through the policies of this government.

There are many other promises made in the Common Sense Revolution that we've kept. One of the promises was to reduce the number of provincial legislators to match the number of federal legislators. We are going from 130 to 103. That was brought in with the Fewer Politicians Act, Bill 81. The changes that we're seeing today in Bill 36, the Election Statute Law Amendment Act, have a great deal to do with Bill 81, because it reflects the changes in the number of ridings in our province.

It's important to note that the Election Act and the Election Finances Act have not been changed in 12 years. That's going back to 1986. It needed to be changed to reflect the changes in the Fewer Politicians Act, as I mentioned.

The all-party Commission on Election Finances reviewed the Election Finances Act and made recommendations to reflect the current election needs, including increased spending and contribution limits. The chief election officer for the province recommended changes that would modernize an outdated process through a reduced writ period, to a minimum of 28 days and I believe a maximum of 56 days. That would also create a permanent voters' list and a reduced bureaucracy by combining the Commission on Election Finances and the office of the chief election officer. The opposition paints it that we're eliminating one office, but the reality is we're combining the two that have to do with elections.

Bill 36, the Election Statute Law Amendment Act, modernizes and increases the transparency of the electoral process in this province. It creates a permanent voters' list in section 16 of the bill. It's important to note that the federal government and British Columbia, Alberta and Quebec currently have a registry, so Ontario would be joining those provinces in having a registry. This is something that I mentioned was asked for by the chief election officer, Warren Bailie. It's estimated that this change would save \$10 million in each election for the taxpayers of Ontario. That's \$10 million per election. I think that's very significant.

The technology that is available today makes it far easier to track and update the list so that we're able to keep accurate voters' lists in Ontario. It's very easy to put your name on the registry. You can do it with your driver's licence or at a municipal office or when you're filing your income tax return, as I did this year, and ticked off the box to have my name put on the federal voters' list.

It's important to note that when people did their income tax returns, they did see a reduction this year in their income taxes yet again, fulfilling a promise of this government.

This bill also provides for temporarily absent voters to be given the right to vote, in section 11 of this bill. If you are a Canadian citizen and were a permanent resident of Ontario for 12 consecutive months and intend to return to Ontario, you could vote in the provincial election for up to two years while you are temporarily out of the province. It also opens the voting process for individuals who are out



of Canada because of military service, students, the Canadian foreign service and the Ontario foreign service.

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Section 19 of the bill also deals with private member's Bill 2 which was introduced back in September 1995 by the Liberal leader, who was not the Liberal leader at the time. Bill 2 called for the removal of the public posting of voters' lists in each polling division. I think that's an excellent idea and I see no reason why the opposition parties would oppose that. It's a personal safety issue, especially for women and seniors in our province. I know that affects people in my riding. This is something the opposition should not be opposed to.

It also allows the ability to test new procedures during by-elections, so if there's Internet or telephone access, if there's some new technology that would be available in elections, if all parties agreed to a new procedure it could be used in a by-election.

The bill also allows for electors to be added to the voters' list on election day in section 18 of the bill, which is very important.

Another very important aspect is that all political advertising must now show its sponsor. That's contained in section 62 of the bill. This brings transparency to our election process. All political advertising by parties, candidates, individuals, unions, associations or corporations who are actually sponsoring these advertisements must actually display their names for the voters to see who is actually paying for this advertisement. This is a very key thing.

As has been mentioned here tonight, registered charities can no longer make political contributions in Ontario. I think that has been debated quite extensively here tonight. Also, affiliated political organizations cannot accept donations.

Also, in section 44 of the bill, a new offence of bribery is added to the act. I think that is good news.

Something else that's very important is that recounts will automatically be applied if the spread is less than 25 votes. That's contained in section 37 of the bill. Currently, if there's a tie, the returning officer casts a vote. But now, if this bill is passed by this House, we'll see that there is an automatic recount in the case of a spread of less than 25 votes.

Also, the bill allows the rules for proxy voting to be made simpler. Individuals will now be able to have proxy votes through this bill.

The bill, in subsection 58(2), also mentions that any deregistered constituency association — currently, if a constituency association has been deregistered, after two years any money that may exist in their bank account would go to the chief election officer. But in this bill, that money actually would go to the party that raised the money. That's important, because that deregistered constituency association raised that money on behalf of its party and it's good that it will go to that party, whether it's the Conservative Party, the Liberal Party, the NDP or any of the other parties in this province.

Section 70 of the bill deals with the per-voter costs going from 40 cents to 60 cents. Currently, if you look at the system that is in place, it's \$2 per elector for the first 15,000 electors, then the rate becomes \$1 for the next 10,000 electors and 25 cents per elector for any additional electors. That has now been changed to 96 cents per elector, so some ridings will actually see a reduction in what they can spend. If you look at the 1995 election, in the riding of Rainy River, the parties were allowed to spend \$2.03 per voter, while in York Centre that amount was 51 cents. So what we'll see is 96 cents right across the province, which I think is good news for the people of Ontario.

I have sat here tonight and listened to the opposition parties, and they've gone on about how this bill is somehow a plot or conspiracy to raise money for the Conservative Party. They talk about the rich corporate friends. But what we heard here tonight from the member for Chatham-Kent is that the average political contribution by corporations is higher for the Liberal Party and the NDP, and the Conservative Party was third in the average contribution made by corporations.

If you go a little farther and actually look at where parties get their money — this is very important — in 1995, 79% of all the Liberal fund-raising dollars came from corporations, yet 21% —

**Mr Tim Hudak (Niagara South):** Three quarters?

**Mr Newman:** Almost 80%; 79% of the Liberal fund-raising came from corporations and 21% of their fund-raising came from individuals.

If you look at the Progressive Conservative Party of Ontario you see that 18,000 individuals made personal donations to the Progressive Conservative Party; 52% of the donations were from individuals for the Conservative Party and 48% for corporations.

When you look at those numbers, you can see that the Liberal Party is the party that actually relies on corporate donations and not what they've been espousing here this evening, that somehow the Conservative Party is the party of the corporate sector. We've seen in these figures that it's not.

In Scarborough, for example — Scarborough East, Scarborough Centre or the riding of Scarborough Southwest — if you look at where the bulk of the donations come from in those ridings for the Progressive Conservative Party, they're not from corporations. They're from hardworking individuals who strongly believe in our party and the platform we have. It's not the corporate sector making the major donations, but individuals and families who make \$15 and \$100 contributions to their local riding association.

Overall, I want to repeat that 79% of the fund-raising dollars in 1995 for the Liberal Party came from the corporate sector and only 21% came from individuals.

While we're on the topic of the Liberal Party, it's important to know that during the last election the Liberals spent five times the amount that the Progressive Conservative Party did on polling. I would have thought they would have learned their lesson in 1990, not to rely on

polling, but perhaps they haven't and I encourage them to keep doing their polling.

This bill brings about several changes, as I've mentioned. You may ask, why the changes? The government is simply responding to the recommendations made by the Commission on Election Finances and the Chief Election Officer for this province, Warren Bailie, to ensure that this process is changed, because this process has not been changed in 12 years and definitely needs to be modernized. The changes will bring tax savings to our taxpayers in Ontario, will reduce the bureaucracy, modernize the process and will save \$1 million per year and at least \$10 million per election. Mr Bailie also recommended a permanent voters' list that will itself save \$10 million. With a permanent voters' list, he told the *Toronto Sun*, we could run it in 10 days shorter.

That's what we've seen in this bill, which allows the minimum writ period now to be 28 days, because we've seen nine-day and 10-day periods required for enumeration. That permanent voters' list will definitely help.

The election finances commission and its chair, Jack Murray, who I might mention is a former president of the New Democratic Party here in Ontario, has urged the government to get on with the reforms. He said, "Enough time must be provided for the commission, riding associations, accountants and the parties to familiarize themselves with the changes." I agree with him. That's why it's important to move forward with this bill so that we can change and modernize the election system in our province.

We had a commission that was set up from all parties, and we have the opposition out there creating media stunts and crying foul because the government is introducing this legislation. It's sad to see them doing that.

The opposition simply wants to delay the election process because they didn't approve of their own representatives' views. They, like all the parties, had representatives on that and now they're not agreeing with that. Frankly, it's the responsibility of the government of Ontario to move forward to change the election system to reflect the changes in ridings, and it's important to keep that in mind.

Now that we have matched the federal ridings, the boundaries, and will now have 103 ridings in Ontario, we're now matching what the federal spending limits are and I think that's important. As I mentioned, it's down to 96 cents per voter.

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This bill deals with election reform in our province. It also deals with the tour issue. Right now without this legislation, tour, research and polling have no limits, and they actually have nothing to do with getting to the voters. That's what this bill will deal with, and legislating items like this will ensure consistency and transparency.

We've also legislated the exclusion of travel to ensure a level playing field. This is something that, for example, the members in northern Ontario have told us, and we know that their travel expenses alone could eat right into their spending limits and affect their ability to run a good, solid campaign. It's the opposition members who hold the

northern ridings, not the Progressive Conservative Party, so I say this is something that is good for them.

With respect to spending limits, the limits have been changed to reflect what the federal Parliament has for its members. Thirty per cent of the ridings in Ontario will actually see a reduction in per voter spending in this province when you look at all of the changes.

This bill brings about a lot of positive changes. The permanent voters' list will be created. Temporary absent voters will be given the right to vote. The posting of a voters' list has been dealt with. The ability to test new procedures during by-elections has been dealt with. Electors can be added to the voters' list on election day. All political advertising now must show its sponsor. Registered charities cannot make political contributions in Ontario; that money was raised for charity, not for political purposes. Affiliated political organizations cannot accept donations. A new offence of bribery has been added to the act.

As I mentioned, we'll have a recount automatically if the spread is less than 25 votes. There will be no need to go before the courts to get a recount. That will automatically be granted by this bill, and I think that's good news. As I mentioned, the rules for proxy voting will be made simpler.

All of these changes modernize the election system, reform the election system and make our system more transparent. This is indeed good news for the taxpayers who are the voters in Ontario, who decide ultimately who they will send to represent them here in this Legislature.

The limits have been changed, there is the permanent voters' list, as I've mentioned, and also keep in mind that the bulk of the donations being made to the Progressive Conservative Party comes from individuals and not from corporations, which is quite different from the Liberal Party.

With that, I will conclude my comments and look forward to hearing responses from my fellow members.

**The Speaker:** Questions and comments?

**Mrs McLeod:** The member opposite has spoken about reasons why he believes that this legislation is good legislation. I guess my basic question is: If the legislation is good, then why did the government want to slip it in under the cover of the Hydro bill in the hope that somehow we wouldn't notice it? If it's good legislation, you'd think the government would want to shout it from the rooftops.

If there are so many points of agreement on what is good in this legislation, and we've acknowledged on this side of the House that there are many aspects of this bill with which we could agree, if the member believes that there are many points of agreement, why has the government abandoned the traditional process of seeking all-party consensus for any changes that are going to be made in the way in which we're elected?

It seems to me that if this is truly good legislation, then we should go back to that process of finding the areas in which we're in agreement and push those through jointly, as opposed to having this legislation imposed on all of us and bullied through. The reason the government is



bullying it through is because there are some very key areas in which we cannot agree.

We could not agree with this government's original proposals for increasing the spending limits at the riding level. They've reduced those somewhat, but only as a result of the essential public shaming our leader did when this government proposed its original, horrendous increase in spending limits at the riding level, the kind of public shaming that I think the government's crime commission would really consider to be quite appropriate in many other circumstances.

We cannot agree with the dominance of the central party that will be created by this significant increase in spending limits for the central party, increases which put the spending of the central party in Ontario far beyond what the federal party is able to spend.

We cannot agree with the loss of the election finances commission. The member for Renfrew North spoke earlier about not wanting to go back to a day in which none of the guidelines for election expenses could be enforced. The integrity of the process does reflect on the members of this House.

**Ms Churley:** The member for Scarborough Centre did what many government members have been doing while debating this bill, reading from the briefing notes that had been supplied to him. Let me say that he's got it wrong again. He made a point of saying that all three parties agreed with these changes. That is not a fact. The reality is that there has been cherry-picking here. There are at least three components of this bill which we're all talking about — I don't know if you're listening or not but it appears as though you're not — that all parties did not agree to. That is our beef. We have been trying to tell the members of the government that we're very concerned about the increased riding spending limits, the huge central party increases and the exemptions. Those are three areas that were not agreed on by the three parties. We have real concerns about that.

As other members from both opposition parties said, and will continue to say, we agree with updating the act. We support, if not all, most of the other clauses in the bill. I can't see why the government members will not sit down with us and try to find a compromise that we can all live with on those three very contentious issues so that we can come forward in a non-partisan way, which is the tradition of this House, to work together, because no government in power should be allowed to make unilateral rules which will affect the electoral process in this province for years to come. It should be worked out between the three parties. You're refusing to do that. I would say to the member, stop reading the notes and listen to what's really happening.

**Mr Hudak:** I'm pleased to rise to add a couple of more comments to the debate. The debate tonight has centred around money to a large extent. The opposition members seem to feel that more money will be spent to fool voters. They look, it seems, in this debate with great disdain upon the intelligence of voters to make reasonable decisions. That's disappointing.

I think there are some examples. In the California primary recently, on June 2, Al Checchi, the owner of Northwest Airlines, invested \$40 million to win the California primary nomination for the governorship. His opponent spent \$14 million. Neither one won. In fact, Gray Davis, who could barely afford to pay for advertising and television, was the Democratic nominee, not because he spent money but because, it says in the article in the *Economist*, he had the best record, a record of competence in his role, and also was somebody the voters felt they could trust because he keeps his promises.

The same lesson occurred in the Republican primary. Darrell Issa, the Republican candidate, outspent Matt Fong four to one in his campaign, and the voters chose Fong because of his experience in running government in the past. He had a good record, kept his promises.

The voters went for the person they thought was the most competent leader to take those positions.

An interesting lesson as well: The California Teachers Association spent big bucks trying to defeat a measure on bilingual education. The voters rejected those advertisements and supported English immersion as opposed to bilingual education.

Another criticism of Checchi is that during the campaign he changed his style from a limousine-driving outsider, a Ross Perot-type businessman, to a tough liberal Democrat who marched with Martin Luther King and such. This sounds to me like a Liberal campaign.

**Mr Michael A. Brown (Algoma-Manitoulin):** The member has just made the best argument I have heard so far tonight for not increasing the limits. Obviously, it doesn't need to happen. But that's not what I want to address in my comments tonight.

I want to talk about the 28-day election period and what that will be like in the large rural ridings. I want you to just think about for a moment what might happen in the case a government fell. I'm sure the people over on the other side remember Joe Clark and his unfortunate fall from power when no one expected he would.

You've got a 28-day election period. You would assume that two of the parties don't have nominated candidates, or all three, I suppose, or as many parties as there would be. You would probably have about 21 days to actually go out and see an electorate.

The constituency of Algoma-Manitoulin, for example, would be the distance from Quebec City to Windsor in terms of driving time. That's what you're trying to accomplish in 21 days. In the meantime you also have to raise the limit, about \$70,000, which is about double the limit that presently exists. That's what would be faced by a candidate of each of the parties in 21 days.

I don't think that is a highly democratic process for the people of Manitouwadge, Killarney, Meldrum Bay, Thessalon, Chapleau or Elliot Lake to be faced with when they have to make a decision about who will govern their province. I ask you to think about this for a minute.

**The Speaker:** Response?

**Mr Newman:** I appreciate the comments from the members for Fort William, Riverdale, Niagara South and

Algoma-Manitoulin. I know the member for Fort William doesn't like any bills the government brings forward, even private members' bills. She doesn't like this bill. Last week she was against safe schools. I don't know what's going on. But I understand her concern for fund-raising, for the number of Liberal fund-raising events that have been cancelled across the province due to a lack of ticket sales —

**Mr Steve Gilchrist (Scarborough East):** Lack of interest.

**Mr Newman:** — lack of interest across the province.

To the member for Riverdale, I say that we're always listening.

The member for Niagara South mentioned money. I think that ties back to the member for Fort William and the fact that Liberal fund-raisers are being cancelled right across the province.

In case anyone didn't hear the first time, 79% of the Liberal fund-raising dollars came from the corporate

sector and 21% came from individuals, hardworking people, whereas in the Progressive Conservative Party, 48% of the donations came from the corporate sector and 52% from individuals. I know that gets them a little upset on the other side. I know the member for Chatham-Kent raised the issue that the average corporate donation was higher for the Liberal Party than for the New Democratic Party, and coming in third place in average corporate donations was the Progressive Conservative Party.

The member for Algoma-Manitoulin mentioned the 28-day writ period. He failed to mention it's a minimum 28-day writ period, as was pointed out, and the maximum is 56 days. If it's going to take him 21 days, if he's going to waste one week of the four weeks out there wasting time —

**The Speaker:** thank you. It now being 9:30 of the clock, this House stands adjourned until 1:30 of the clock tomorrow.

*The House adjourned at 2133.*

## ERRATA

No.	Page	Column	Line(s)	Should read:
24A	Contents	3	18	Negatived .....
27A	1479	1	37	tion," protected it at over \$1.052 billion, and yesterday we



**LEGISLATIVE ASSEMBLY OF ONTARIO**  
**ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO**

Lieutenant Governor / Lieutenant-gouverneur: Hon / L'hon Hilary M. Weston

Speaker / Président: Hon / L'hon Chris Stockwell

Clerk / Greffier: Claude L. DesRosiers

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Clerks at the Table / Greffiers parlementaires: Todd Decker, Lisa Freedman

Sergeant-at-Arms / Sergent d'armes: Dennis Clark

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	Carroll, Jack (PC)	Hastings-Peterborough	Danford, Harry (PC)
Carleton East / -Est	Wood, Len (ND)	High Park-Swansea	Shea, Derwyn (PC)
Chatham-Kent	Bisson, Gilles (ND)	Huron	Johns, Helen (PC)
Cochrane North / -Nord	Cleary, John C. (L)	Kenora	Miclash, Frank (L)
Cochrane South / -Sud		Kingston and The Islands / Kingston et Les Îles	Gerretsen, John (L)
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Downsview	Tilson, David (PC)	Lambton	Beaubien, Marcel (PC)
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Durham West / -Ouest	Saunderson, William (PC)	London Centre / -Centre	Boyd, Marion (ND)
	North, Peter (Ind)	London North / -Nord	<b>Cunningham, Hon / L'hon Dianne (PC)</b> Minister of Intergovernmental Affairs, minister responsible for women's issues / ministre des Affaires intergouvernementales, ministre délégue à la Condition féminine
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Essex South / -Sud	Hastings, John (PC)	Middlesex	<b>Snobelen, Hon / L'hon John (PC)</b> Minister of Natural Resources / ministre des Richesses naturelles
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Etobicoke-Lakeshore		Mississauga North / -Nord	
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Nepean	Baird, John R. (PC)	Sault Ste Marie / Sault-Sainte-Marie	Martin, Tony (ND)
Niagara Falls	Maves, Bart (PC)	Scarborough-Agincourt	Phillips, Gerry (L)
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Oakville South / -Sud	Carr, Gary (PC)	Scarborough West / -Ouest	Brown, Jim (PC)
Oakwood	Colle, Mike (L)	Simcoe Centre / -Centre	Tascona, Joseph N. (PC)
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Ottawa East / -Est	Grandmaître, Bernard (L)	Sudbury East / -Est	Martel, Shelley (ND)
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Ottawa South / -Sud	McGuinty, Dalton (L) Leader of the Opposition / chef de l'opposition	Victoria-Haliburton	<b>Hodgson, Hon / L'hon Chris</b> (PC) Minister of Northern Development and Mines, Chair of the Management Board of Cabinet / ministre du Développement du Nord et des Mines, président du Conseil de gestion
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Parry Sound	<b>Eves, Hon / L'hon Ernie L.</b> (PC) Deputy Premier, Minister of Finance / vice-premier ministre, ministre des Finances	Wentworth East / -Est	Doyle, Ed (PC)
Perth	Johnson, Bert (PC)	Wentworth North / -Nord	Skarica, Toni (PC)
Peterborough	Stewart, R. Gary (PC)	Willowdale	<b>Harnick, Hon / L'hon Charles</b> (PC) Attorney General, minister responsible for native affairs / procureur général, ministre délégué aux Affaires autochtones
Port Arthur	Gravelle, Michael (L)	Wilson Heights	Kwinter, Monte (L)
Prescott and Russell / Prescott et Russell	Lalonde, Jean-Marc (L)	Windsor-Riverside	Lessard, Wayne (ND)
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Quinte	Rollins, E.J. Douglas (PC)	Windsor-Walkerville	Duncan, Dwight (L)
Rainy River	Hampton, Howard (ND) Leader of the New Democratic Party / chef du Nouveau Parti démocratique	York Centre / -Centre	<b>Palladini, Hon / L'hon Al</b> (PC) Minister of Economic Development, Trade and Tourism / ministre du Développement économique, du Commerce et du Tourisme
Renfrew North / -Nord	Conway, Sean G. (L)	York East / -Est	Parker, John L. (PC)
Riverdale	Churley, Marilyn (ND)	York Mills	<b>Turnbull, Hon / L'hon David</b> (PC) Minister without Portfolio / ministre sans portefeuille
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St Catharines	Bradley, James J. (L)	York South / -Sud	Kennedy, Gerard (L)
		Nickel Belt	Vacant

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Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.



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## Legislative Assembly of Ontario

Second Session, 36<sup>th</sup> Parliament

## Assemblée législative de l'Ontario

Deuxième session, 36<sup>e</sup> législature

# Official Report of Debates (Hansard)

# Journal des débats (Hansard)

Wednesday 17 June 1998

Mercredi 17 juin 1998



Speaker  
Honourable Chris Stockwell

Président  
L'honorable Chris Stockwell

Clerk  
Claude L. DesRosiers

Greffier  
Claude L. DesRosiers

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## LEGISLATIVE ASSEMBLY OF ONTARIO

Wednesday 17 June 1998

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mercredi 17 juin 1998

*The House met at 1330.*

*Prayers.*

### MEMBERS' STATEMENTS

#### NATIONAL ABORIGINAL DAY

**Mr Frank Miclash (Kenora):** I'm delighted to pay tribute today to our first nations and to encourage all Ontarians to join with them as Canadians celebrate National Aboriginal Day this Sunday, June 21. On this day, all Canadians will celebrate with our first nations and pay tribute to the contributions they have made and continue to make to our country.

As you are aware, my riding of Kenora is the home of many vibrant and diverse first nations communities. I'm very proud to have worked with and represent them here in the Legislature for the past 11 years.

Throughout the years, our first nations people have made outstanding contributions to our country, be it in the area of helping newcomers to Canada survive by passing on their ways of life and knowledge of agricultural techniques, medicines, hunting and fishing, or through their contributions to clothing such as parkas, mitts and fur coats, all of which help keep us warm throughout our cold Canadian winters. These many accomplishments, along with their contributions to Canada's economic development, have enriched the lives of every Canadian.

For generations first nations people in Canada, and indeed my own constituents, have celebrated their culture and heritage on or near June 21. This Sunday will provide the entire nation the opportunity to celebrate with them.

I'm pleased to join with my leader, Dalton McGuinty, and my colleagues in the Ontario Liberal caucus in recognizing the contribution of our first nations. I ask all in Ontario, and indeed Canada, to recognize the rich cultural diversity and the achievements of first nations this Sunday and again throughout the year.

Meegwetich.

#### SAULT STE MARIE

**Mr Tony Martin (Sault Ste Marie):** Sault Ste Marie today finds itself in some very difficult circumstances. Unemployment is at 20%, twice the provincial average, and I'm told the real estate market is the worst it has ever been. These are just two of the many indicators saying my community is in trouble and with no real end in sight.

These difficulties have been created by the very aggressive and massive cuts made by the provincial government to the many ministry offices located in Sault Ste Marie and to other provincial crown corporation offices, the most obvious being the dismantling of the Ontario Lottery Corp.

Now we are faced with the closing down of the Northern Treatment Centre. This will be a loss of 147 direct jobs and a three-to-one spinoff in the service sector which computes out all told to possibly 500 more work opportunities gone.

There are three things we, as a community, can do in the face of such daunting challenges: (1) stop the bleeding, (2) stabilize what we now have, and (3) grow what we have and develop or attract new opportunities.

This government can help with the first one and the most compelling one. They have to stop the cutting so that we can stop the bleeding. Will they do that? Will they commit in this House today to doing that with the people of Sault Ste Marie so that we can create a better economy and a better place for all who call Sault Ste Marie home, given the very terrible attack that they've made on our community in the last two years?

#### ENERGY COMPETITION

**Mr W. Leo Jordan (Lanark-Renfrew):** This government is setting a new course in history with the introduction of the Energy Competition Act. Bill 35 is enabling legislation that allows for the dismantling of Ontario Hydro's 92-year monopoly in favour of a competitive structure to be regulated by the Independent Electricity Market Operator and the Ontario Energy Board.

Sir Adam Beck, MPP and industrialist, saw the need and provided the leadership to build the world's best electricity system here in Ontario. The objective was to produce and deliver power as cheaply as possible for as many people as possible and at the lowest possible cost. The power-at-cost system was the catalyst for rapid economic development and rural electrification.

With new technologies, competition and political excess in the mid to late 1980s, Hydro strayed towards a reputation for power at great cost. Bill 35 will enable the closing of the curtain on Sir Adam Beck's legacy and reopening it to a plan that will recapture Ontario's competitive advantage in the world's marketplace by once again making electricity the job creator for Ontario.

## NATIONAL UNITY

**Mr Tony Ruprecht (Parkdale):** Those of us who held meetings on the Calgary accord came away listening to one strong message, and that was, "Ensure that you keep Canada strong and united."

Out of this request came the establishment of the Canada Unity Day Federation which consists of major ethnocultural organizations in Metro and the greater Toronto area. They've put together a unity walk from Queen's Park down to City Hall on July 1, beginning at 2 o'clock on the west side of Queen's Park. All the MPPs are invited.

Do you know something? We were listening to those people talking to us. They are saying: "We do not wish to be surprised again, as we were in 1996 when we almost lost this country by about 40,000 votes. We want to be prepared and we wish to do something about it." Today, I'm delighted to say we can.

All of us are invited. In fact, all constituents are invited to join us on that day as we walk proud as Canadians, united in knowing that we have participated in a strong, united Canada. To that end, we can all say: "Vive le Canada."

## FORESTRY AUDITS

**Ms Shelley Martel (Sudbury East):** Under the terms of the Crown Forest Sustainability Act, the Minister of Natural Resources is required to undertake and to table forestry management audits on an annual basis. But under this Conservative government the minister failed to undertake any audits in 1996 despite his responsibility to do so. The audits for 1997 were only tabled at the beginning of June 1998 despite the fact that draft copies were available in October 1997.

Perhaps the reason for the delay is that the minister is embarrassed by the audit's findings. For example, the audit done on the Mississagi crown management unit notes serious problems with data collection, training of staff and, most important, the ability of MNR staff to do their jobs in light of massive layoffs.

The audit team noted that "data collection and recording methods themselves had little quality control" and the team seriously questioned "MNR staff capabilities to engage in adaptive forest management under the present circumstances." The audit team said, "Employees expressed concern about their ability to achieve all of their duties due to time constraints and/or inadequate training."

With respect to government downsizing and its impact, the audit team noted, "Many staff question whether sufficient qualified and motivated staff will remain to effectively implement MNR's new role under sustainable forest management."

The minister must make clear what he plans to do to respond to the audit's recommendations. These are serious issues and people who are concerned about the public resource, especially forestry resources, must know what he plans to do.

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## EDUCATION

**Mr Bill Grimmett (Muskoka-Georgian Bay):** It's a pleasure to share with the Legislature today a couple of very positive experiences at two ends of the educational spectrum, elementary and post-secondary, in my riding.

The first project involves the students at Watt Public School. Students at this school are using mathematical and scientific lessons they learn in the classroom to design and build a number of community structures, including an octagonal gazebo, an arbour entranceway to the school's vegetable garden and a bridge over a local ravine.

The bridge project was especially challenging and the skills involved included the stress testing of load ratios by using models and weights. Under the direction of school staff and community volunteers, these elementary students are learning new skills that they can apply in summer jobs and in their future adult lives.

At the post-secondary level a local initiative is preparing students to work in the auto industry, which is badly in need of skilled graduates. The Centre for Automotive Parts Expertise provides high-tech training through a partnership between Georgian College of Simcoe county and the Industrial Research and Development Institute in Midland.

In May's budget speech, the finance minister announced a \$3.8-million provincial investment in this partnership. Auto parts companies in my riding which will likely participate in this new program and provide positions for graduates include Meritor Automotive in Bracebridge and Algonquin Automotive with plants in Huntsville and Gravenhurst. This partnership is expected to increase enrolment in the advanced training program from 75 to 300.

I applaud these initiatives, which show how our educators are preparing today's students for the workplace of today and the future.

## RENT REGULATION

**Mr Dwight Duncan (Windsor-Walkerville):** Today marks a sad day in Ontario. It marks the proclamation of the tenant rejection act, the act introduced by this government to get rid of protection for tenants in this province, particularly important in our large urban areas such as Toronto, Windsor, Ottawa and others where there are high needs for affordable rental housing. This government has decided, not only to declare war but not even to allow for meaningful hearings. Hundreds of amendments are put forward to the bill; most are rejected out of hand.

Is the government content simply to take away protection from tenants? Not at all. Let's review some of their other initiatives.

They've cancelled all funding for new non-profit housing. That represents half a billion dollars over four years.

They've downloaded social housing to municipalities without any guarantee. The only guarantee municipalities



and ratepayers have increased property taxes. That's what this government's about.

Who else have they hit? They hit welfare recipients, the very people in need of affordable rental accommodation, with a 22% cut. That's what this government's about.

What else have they done? They've ended all rent-geared-to-income support. This government doesn't care about tenants; it doesn't care about the people of our city; all it cares about are profits. That's not good enough. Let's get rid of them.

**Ms Marilyn Churley (Riverdale):** We're going to see a housing crisis in Ontario the likes of which we've never seen before. Today is the day the so-called Tenant Protection Act comes into force. What doublespeak. This is a protection act for big developers and big landlords. On top of that, the Harris government has completely removed itself from providing non-profit housing and there is no new affordable housing being built by developers out there.

I just attended a funeral for the demise of rent control and tenant protection here in Ontario and I witnessed the speech by the member for Windsor-Walkerville who stood up in front of people today and said: "If you want a real alternative to the Tories, you've got to vote Liberal because we're the only real alternative out there. Mark my words, we will bring in rent control."

Well, I remember what they did in the last election when we brought in the toughest rent control in Ontario.

*Interjections.*

**The Acting Speaker (Mr Gilles E. Morin):** Order. The member for Riverdale.

**Ms Churley:** I have lost 20 seconds of my time because of this. That is outrageous. The Liberal Party voted against the toughest rent control bill in Ontario. Now they're out there spreading this kind of nonsense. It is outrageous. Furthermore, they just took 15 or 20 seconds of my time away and that is unacceptable.

*Interjections.*

**The Acting Speaker:** Order.

**Ms Churley:** It was my time and I can say what I want —

**The Acting Speaker:** Order, please. We've heard comments before on each side. Nobody is perfect. I've made my ruling and that's it.

**Hon Al Leach (Minister of Municipal Affairs and Housing):** On a point of order, Mr Speaker: I'd like to ask for unanimous consent to give the member more time to complete her statement.

**The Acting Speaker:** Agreed? Agreed.

Make sure that you get to the point.

**Ms Churley:** My point is that the Liberal Party in the last election voted against the toughest rent control in Ontario. Today, in what I consider to be a non-partisan event overall because the tenants organized this event to talk about what we would do if elected — I mean non-partisan on this side of the House — and then we have a Liberal stand up and give this very partisan speech about how great they are and that they're the only alternative.

What I'm saying to the House and members of the public today is that this Liberal Party voted against the toughest rent —

*Interjections.*

**Ms Churley:** Well, so did the Tories, but at least they're not out there saying now that they would reverse that. We have this Liberal Party over here trying to speak out of both sides of their mouths and that's —

*Interjections.*

**The Acting Speaker:** Order. Please give her a chance. The member for Riverdale has 31 seconds left.

**Ms Churley:** Thank you, Speaker. I take this opportunity to talk about tenants and the effect that this bill is going to have on them. Because of decontrol, as soon as people move out of their apartment, that apartment no longer comes under rent control. There are no limits on how much a landlord can then charge and we know what that means. The sky's the limit now for landlords to make money off poor tenants in this province.

## INFLAMMATORY BOWEL DISEASE

**Mr Gary L. Leadston (Kitchener-Wilmot):** Last Saturday, the Crohn's and Colitis Foundation —

*Interjections.*

**The Acting Speaker (Mr Gilles E. Morin):** Order. I'll make the ruling. Will you start the clock again, and give a chance to the member for Kitchener-Wilmot, like anybody else, to make his statement.

**Mr Leadston:** Thank you, Mr Speaker. Last Saturday, the Crohn's and Colitis Foundation of Canada celebrated the 10th anniversary of the Charity Barbecue Day, which is an initiative of Mr Mac Voisin, president of M&M Meat Shops, across Ontario and the rest of Canada.

In an effort to help find a cure for inflammatory bowel disease, which affects over 250,000 Canadians, all the M&M Meat Shops fired up their barbecues and sold hamburgers and hot dogs for a donation. If the target is met, M&M Meat Shops will have raised \$3 million for research over that 10-year period.

I would also like to invite the members. Tomorrow, Thursday, June 18, on the front steps of the Legislature there will be a barbecue to help kick off the campaign for next year. On behalf of the Crohn's and Colitis Foundation of Canada and M&M Meat Shops, I want to thank all Ontarians who have been generous contributors to the Charity Barbecue Day, and I hope they will prove it again next year.

## REPORTS BY COMMITTEES

### STANDING COMMITTEE ON REGULATIONS AND PRIVATE BILLS

**Mr Toby Barrett (Norfolk):** I beg leave to present a report from the standing committee on regulations and private bills and move its adoption.

**Clerk at the Table (Ms Lisa Freedman):** Your committee begs to report the following bill without amendment:

Bill Pr17, An Act respecting Redeemer Reformed Christian College.

Your committee recommends that the fees and the actual cost of printing at all stages be remitted on Bill Pr17, An Act respecting Redeemer Reformed Christian College.

**The Acting Speaker (Mr Gilles E. Morin):** Shall the report be received and adopted? Agreed.

#### STANDING COMMITTEE ON GOVERNMENT AGENCIES

**The Acting Speaker (Mr Gilles E. Morin):** I beg leave to inform the House that today the Clerk received the fourth report of the standing committee on government agencies.

Pursuant to standing order 105(g)(9), the report is deemed to be adopted by the House.

#### INTRODUCTION OF BILLS

##### CANADIAN INFORMATION PROCESSING SOCIETY OF ONTARIO ACT, 1998

Mr Saunderson moved first reading of the following bill:

Bill Pr21, An Act respecting Canadian Information Processing Society of Ontario.

**The Acting Speaker (Mr Gilles E. Morin):** Is it the pleasure of the House that the motion carry? Agreed.

##### GIOVANNI CABOTO DAY ACT, 1998

##### LOI DE 1998

##### SUR LE JOUR DE GIOVANNI CABOTO

Mr Jim Brown moved first reading of the following bill:

Bill 43, An Act respecting Giovanni Caboto Day / Projet de loi 43, Loi sur le jour de Giovanni Caboto.

**The Acting Speaker (Mr Gilles E. Morin):** Is it the pleasure of the House that the motion carry? Carried.

**Mr Jim Brown (Scarborough West):** This bill proposes that June 24 be proclaimed Giovanni Caboto Day in honour of the Italian explorer who was first to arrive on Canada's shores on June 24, 1497.

1350

#### MOTIONS

##### PRIVATE MEMBERS' PUBLIC BUSINESS

**Hon Norman W. Sterling (Minister of the Environment, Government House Leader):** I move that, notwithstanding standing order 95(d), Ms Mushinski and Mr Bert Johnson exchange places in the order of preced-

ence for private members' public business, and that, notwithstanding standing order 95(g), the requirement for notice be waived with respect to ballot item number 20.

**The Acting Speaker (Mr Gilles E. Morin):** Is it the pleasure of the House that the motion carry? Carried.

#### ORAL QUESTIONS

##### SPECIAL SERVICES AT HOME PROGRAM

**Mr Dalton McGuinty (Leader of the Opposition):** My question is for the Premier. Today I want to raise the case of a very special little girl named Chantalle who is up in the Speaker's gallery today. She is a very special child with very special needs. She is eight years of age and like any other child she works very hard at school, but she has some special challenges in life. She can't walk, she can't talk, she can't dress herself and she can't go to the washroom by herself.

There has been a program on the books of government in Ontario for over 10 years now which says that we will help special needs children like Chantalle with their summer camp experience by providing payment for an assistant to accompany her to camp. She has been to summer camp for the last three summers but this summer her parents were informed for the very first time that that funding was no longer available. I'm just trying to confirm whether that is in fact the case. Please tell me that this is an oversight and that Chantalle will be able to go to summer camp.

**Hon Michael D. Harris (Premier):** I am not aware of the details. I want to take the initial question, and I will probably refer it to the minister if you're after any specifics that are there.

I can assure you, to the best of my knowledge, we certainly have not reduced any funding or changed any program in this area. I can tell you also, if there is a specific child — the one you've mentioned or others — who has been eligible in the past and is not today, if you will see me with that child, we'll make sure they go to camp.

**Mr McGuinty:** Premier, Carol Goldman from the Zareinu Educational Centre is also here with Chantalle today. She tells me that her phone has been ringing off the hook with calls from desperate parents. In fact, her conclusion is that in the North York area we're talking about 400 children who this year will not receive the necessary funding for them to go on to summer camp, and that's in that area alone.

What I'm asking from you now, Premier, given that you seem to show some sensitivity to this issue, is your assurance that every special needs child in Ontario will have the necessary funding to enable them to go to camp this summer in the same way they have had that funding in years past.

**Hon Mr Harris:** I'll ask the minister.



**Hon Janet Ecker (Minister of Community and Social Services):** As the Premier mentioned, we assess the individual family's needs, and in this particular case or if there are other families that we need to take a look at, if there has been a decision that was not appropriate, we're very pleased to look at that. But I would like to say to the honourable member across the way that the special services at home funding, for example, that assists many of these families has in fact been increased by a substantial amount during the last three years. Under the changes we have made, that has meant that for many families, the majority of families in the Toronto area, for example, 85% of them have seen the same amount of funding or more funding than what they had received.

**Mr McGuinty:** I'm talking about at least 400 special needs children in our province who went to summer camp before but are not going this summer as a result of your changes to your policies. I don't know what kind of a screwed-up sense of priorities you have over there, but it seems to me that the people of this province would support funding to enable special needs children to attend summer camp. These kids can't go out and play in the street in summer and they can't go and play in the backyard. They need help.

This province has always provided that kind of funding in the past. Don't tell me that we can't afford it. You send a pamphlet around telling us that revenues today are greater than they have ever been in the history of this province. Don't tell me we can't afford funding for summer camp for special needs kids. Stand up and tell me right now that every special needs child in Ontario will have the funding necessary to ensure that they can go to summer camp this year in the same way they have in years past.

**Hon Mrs Ecker:** I appreciate that the honourable member brings forward these issues. I give him the respect because he does it because he cares about this individual child. We did not say we weren't doing this because we couldn't afford it. We have increased the funding for special services at home.

*Interjections.*

**The Acting Speaker (Mr Gilles E. Morin):** Order. The question has been asked. Please listen to the response.

*Interjections.*

**Mr Bud Wildman (Algoma):** Does the minister mean she can't afford it but she will —

**The Acting Speaker:** Order, member for Algoma. Minister.

**Hon Mrs Ecker:** I would also like to reiterate to the honourable member, as the Premier said, that I have made no decision to change the policy for the special services at home funding.

**Mrs Sandra Pupatello (Windsor-Sandwich):** Who's in charge over there?

**The Acting Speaker:** Member for Windsor-Sandwich.

**Hon Mrs Ecker:** We have in fact increased the overall budget for this. Of families here in Toronto, 85% have seen the same or a larger amount of money. If there are individual circumstances, families that through some

circumstance are not receiving the support they should be getting, or this particular child is not receiving the support she should be getting, my office would be very pleased to look into it. I invite the honourable member to provide us with the details so we can do that rather than having these wonderful press release try-and-get-you situations. They're not helping the families.

**The Acting Speaker:** Thank you. The question has been answered.

*Interjections.*

**The Acting Speaker:** Order. You're wasting your time. Order, the member for Windsor-Sandwich.

Further questions?

**Mr McGuinty:** I will say in passing to the previous minister that I will never, ever apologize for bringing forward important questions relating to children in this province.

1400

## RENT REGULATION

**Mr Dalton McGuinty (Leader of the Opposition):** I have a question for the Minister of Municipal Affairs and Housing. As of today, you are going to effectively destroy rent control in Ontario. You have an act in place that you call the Tenant Protection Act. It might as well have been more appropriately named the tenant rejection act.

It's going to be possible now, when a tenant vacates an apartment, for the landlord to raise the rent sky high without limits. This, on top of the other policies that you have with respect to housing in Ontario, is going to create effectively a housing crisis.

My question to you is very simple. You've had all kinds of time now to think about this. You have at the outset rejected the pleas and the intelligence offered by tenants. Now I want you to take this opportunity, Minister, to stand up in this Legislature, tell us that you've seen the light, that you will not proceed with this bill and that we won't foist it upon the tenants of this province.

**Hon Al Leach (Minister of Municipal Affairs and Housing):** The first thing I would say to the Leader of the Opposition is that he may not apologize for his previous performance but he probably should.

With respect to the Tenant Protection Act, the new act that's been proclaimed today continues to provide protection to tenants. It keeps the same formula for rent control that was in the previous legislation introduced by the NDP government.

The members of the Liberal Party are the last ones who should be talking about rent control. The system they put in place in the 1980s was complex and so skewed that we still have 10 cases before the courts that are still trying to be resolved. That's how complicated your system was. It didn't work at all.

What have we done? We've kept rent controls in place for anybody who stays in their apartment. When a tenant moves out, the landlord can negotiate a new rent with a new tenant and then rent control comes back on. What

does that do? That gives the landlord an opportunity to go in, renovate the apartment —

**The Acting Speaker (Mr Gilles E. Morin):** Next question, thank you.

**Mr McGuinty:** What you are effectively doing is making prisoners of tenants in this province. Think of those people who move on a regular basis — students, seniors, low-income earners. Now they can't move for fear that if they do so, not only will the apartment they're leaving have a sky-high rent, so will the one they're moving into. You're making it tougher.

Look at what you've already done to students. You've hiked up their tuition, you're hiking up their debt; now you're hiking up the rent.

What about seniors? You hiked up their drug costs; you're making health care less and less accessible; now you're hiking up their rent.

You're making it more difficult now for people to leave older apartments which require repair, because they're afraid that if they move they'll be facing higher rents. Once again, take the opportunity here, Minister. Show some leadership. Tell us that you're not proceeding with this bill.

**Hon Mr Leach:** Again I'm surprised that the Liberal Party would take this approach. As the member for Riverdale pointed out just a few minutes earlier, your party voted against rent control. They voted against the NDP bill. So don't get on a high horse and say that you're in favour of rent control, because you voted against it.

They're also obviously against free enterprise. They know that 80% of apartment owners own units of six units or less. They're usually small business people who live in one apartment and try and eke out a living from renting the rest.

This bill gives protections to them that have never been there before. If they're against protection of small business people, they can come out and say that as well.

**Mr McGuinty:** Finally the minister has been unmasked. The man who has special responsibility, the man with special responsibility for protecting the rights and interests of tenants in Ontario, tells us that his greatest concern is free enterprise. It's not tenants; it never has been tenants.

Look at what you've done to date. You've created a crisis in affordable housing. You've scrapped funding for new non-profit housing, you've scrapped the rent-geared-to-income support program and you've downloaded social housing on to our municipalities. Today you've decided you're scrapping rent controls, and the people most hurt are the usual on your hit list. We're talking about low-income earners, seniors and students, some of your favourite targets.

Minister, once more with feeling, stand up and tell me that you've seen the error of your ways, you've seen the light, you understand you've made a terrible mistake and for that reason you're going to scrap this bill because you understand that your responsibility first and foremost lies with Ontario's tenants.

**Hon Mr Leach:** As I said right at the very beginning, the main purpose behind this bill was to provide protection to tenants and that's why we retained the rent control formula that was in the previous legislation, so tenants are protected. The formula that puts a cap on rents —

*Interjection.*

**The Acting Speaker:** Member for Ottawa West, I don't want to tell you again.

**Hon Mr Leach:** — for every existing tenant remains in place.

*Interjection:* There's no cap on rents.

**Hon Mr Leach:** I don't see why you would want a cap, a control on an empty building or on an empty unit. That gives the landlord and the new tenant an opportunity to negotiate a rent that both parties feel is fair. If the tenant doesn't feel the rent is appropriate, the tenant looks for another location. I don't know many landlords that make a lot of return on having empty units or empty buildings.

## ENVIRONMENTAL PROTECTION

**Mr Howard Hampton (Rainy River):** I have a question for the Premier. Today a coalition of environmental groups released yet another report condemning your government's deadly environmental record. This is the report. It's called *Our Future, Our Health: The Consequences of Inaction*. They wrote to you and said:

"In view of this overwhelming evidence, you can no longer ignore the importance of a safe and healthy environment. Therefore, we call upon you to take concrete action to demonstrate that the protection of the province's environment and the health of its residents is a priority for your government."

This report incorporates 17 other independent reports that criticize your record on the environment. The document goes through, step by step, everything you've done to weaken environmental protection in Ontario. Premier, how many kids have to gasp for air with asthma attacks before your government takes environmental protection seriously? Can you tell us that?

**Hon Michael D. Harris (Premier):** I know the Minister of the Environment can.

**Hon Norman W. Sterling (Minister of the Environment, Government House Leader):** I'm pleased that our government has done more in the past three years than the previous two governments did in the 10 years they occupied this office.

Recently, the Minister of Energy —

*Interjections.*

**The Acting Speaker (Mr Gilles E. Morin):** Order. A question has been asked, please. Member for Hamilton East, you're not in your seat. Minister?

**Hon Mr Sterling:** We expect to get evaluated on what we in fact have done. What we have done is we revamped our air quality standards which had been left untouched for 20 years by previous governments. We have lowered the gasoline volatility regulation in order to restrict the amount of gasoline vapours that go into the air during the



summer. We are implementing a vehicle emissions testing program which is the most comprehensive in all of North America. I ask the leader opposite, what did his government do when they were in power?

**Mr Hampton:** I would like to take the minister's response seriously, but this is what all those independent organizations are saying. They're saying your record is progressive compared to the poorest Third World nations. That's what they're saying.

You are backsliding. You have weakened regulations. You have cut the budget of the Ministry of the Environment by half; 750 scientists and technical experts are gone. You've slashed enforcement. You've done all of those things and you can't even get your so-called clean air program off the ground next year, and when you do get it off the ground it's going to take 17 years to implement.

What are you doing to help protect the environment of Ontario and the health of Ontario people other than giving your corporate friends free rein to do whatever they want?

**Hon Mr Sterling:** Lake Ontario is getting cleaner. Fish habitat is returning to its normal reproduction levels in Lake Ontario. The St Clair River has been cleaned up; 75% of the solids loading into that particular river have been eliminated. The town of Collingwood has been delisted as one of the hot spots on the Great Lakes. Many of the other Great Lakes RAPs have been improving in terms of their particular situation. We've done a great deal in our period of time here.

1410

**The Acting Speaker:** Supplementary, the member for Riverdale.

**Ms Marilyn Churley (Riverdale):** Minister, you're grasping for answers over there. You ask what our government had done when we were in government. The two measures you mentioned were measures our government took. In fact, you have now weakened the clean water regulations brought in by the NDP. You've weakened those very regulations. That river has been getting cleaner because of the regulations we brought in.

This is yet another call for action. You have to take this seriously. Enough is enough. Your environmental record stinks. Everybody knows that. That's why we initiated our Dialogue for Change process. We have detailed specific environmental measures to undo the damage that you and your corporate pals have done to the environment. We proposed measures that can be taken to create jobs while protecting our environment. Our air and our water are not a dumping ground for the province's polluters. When are you going to get that? There's no time to waste. Get on with it. You can do something about it. You were given specific recommendations today. Will you pay attention and start doing things to actually protect the environment in Ontario?

**Hon Mr Sterling:** You know, coming from a party that, when they were in government, weakened MISA regulations, declared refillable —

*Interjections.*

**The Acting Speaker:** Order. Minister take your seat.

*Interjections.*

**The Acting Speaker:** Order. Member for Ottawa West, I don't want to need to tell you again. A question has been asked. Please listen to the response.

Minister

**Hon Mr Sterling:** From a government that, in 1990 or 1991, did away with refillable glass containers in this province by declaring that companies would no longer have to live up to the regulation that was on the books; a government that considered a vehicle emissions testing program, but decided not to take that step two, three or five years ago, as indicated in the ministry — we have taken action. We are very much different from the party opposite. We are less interested in having dialogue and talking forever. We're taking action.

## HOME CARE

**Mr Howard Hampton (Rainy River):** The minister is indeed taking steps to weaken environmental protection.

My next question, though, is for the Premier. Premier, you have your Minister of Health crossing the province making announcement after announcement about health care, trying to persuade people that your government actually has a health care agenda.

I was in London yesterday where people are upset about your health-care agenda, because in London we find, in every community, in every part of the city, someone has their story to tell about what's going wrong with health care. People can't get into hospitals, they can't get into surgery. They can't get home care.

Premier, you announced that you're going to put another \$500 million, I believe, into home care. Can you tell me then why the home care services in London are going to face a \$4-million cut, even while the demand for services is going up by over 20% this year?

**Hon Michael D. Harris (Premier):** I'm not aware of the specifics of the envelope for home care in London. I would expect that, like all across the province, it will be going up. In fact, I can stand here in this place with a great deal of certainty and say it's going up. If there is an individual specific program that maybe is being transferred to another agency or if some agencies are getting doubled and tripled and others less, I can't give you the individual specifics. In spite of the fact that the Liberals in Ottawa are slashing our health care funding, I can assure you that we are increasing health care funding, and we are increasing health care funding particularly in the area of home care.

*Interjection.*

**The Acting Speaker (Mr Gilles E. Morin):** Member for Ottawa West, this is the last time.

Supplementary?

**Mrs Marion Boyd (London Centre):** It's time for a little reality check, Premier. You missed your chance to transfer it to your minister for CCACs. Last year your government cut \$56 million from London's hospitals and London's hospitals and the people of London objected. You had to give a little bit back — not all of it, but some of it. On top of that, there has been a 20% increase in

home care needs last year and another 18% to 20% this year.

Mr Jackson rode into town and gave a little extra cash — not on the base — to tide them over, which brought their budget to \$38 million last year. They estimate that they need \$41 million to meet the need next year, and they've just had word that they're going to get the same budget they had before that cash infusion last year, \$34 million. They can't provide the services. People are being released from hospital because of your hospital cuts, and now you're not giving extra money; in fact, they're getting cut back from what they had last year.

Premier, what are you going to do about this? When are you going to stop this false announcement of funds that aren't real, that aren't flowed, like the \$360 million that was announced last year, not one cent of which has been paid out?

**Hon Mr Harris:** I'm going to refer the question to the first minister for seniors this province has ever had.

**Hon Cameron Jackson (Minister without Portfolio [Seniors Issues]):** First of all I want to respond to the member opposite. She should be more aware of the actual circumstances in her own community. Her own CCAC has received increased funding, and you were invited to the event when we announced the additional money. There was a deficit in that board. We paid for that deficit and we are flowing cash at the higher level. Any suggestion that the London CCAC is receiving less money is actually false. The truth is that in the London area restructuring dollars of over \$133 million have gone in; the CCAC has received a 27% increase. New facility beds have been released in your community to relieve pressures. My colleague the Minister of Health has announced the expansion of community-based supports and reclassification of hospitals.

**The Acting Speaker:** Supplementary?

**Ms Shelley Martel (Sudbury East):** The minister should know that both of my colleagues met with the chair of the London CCAC yesterday and her version of the story is quite different from yours.

Let me give you a second example, this time in Sudbury. You cut, under your government, \$8.6 million to the local hospitals, so people are being discharged earlier than ever before. Last year the increased needs in nursing visits was up by 25%. There has been a 67% increase in complex care nursing and a 14% increase in homemaking services.

Your Minister of Health, on CBC on June 10, said that the northern CCACs, as elsewhere, would be receiving additional money to the base. But the chair of the CCAC and the executive director have been told three times now by the local long-term-care office that they will not be receiving additional funds — not this year, not next year, not until the year 2000. So who are we supposed to believe: your Minister of Health, or her staff, who have told the local CCACs three times, "No additional funding to meet the long-term-care needs"?

**Hon Mr Jackson:** I want to assure the member opposite that I have been in discussions with the Sudbury

CCAC. In fact, I had a meeting Monday morning this week with the executive director of the CCAC, Mr Knight. At no point did he stylize any of the things you're suggesting about a funding cut. I can assure the member opposite, as I have assured her in the past, that northern citizens in this province are receiving higher levels of care and support financially from the province of Ontario — the first point.

The second point is, this government has expanded the community care access funding envelope in this province despite the fact that we do not get one red penny from the federal government, because home care is not included in the —

**The Acting Speaker:** Thank you.

1420

#### MEMBER'S CONDUCT

**Mr Gerry Phillips (Scarborough-Agincourt):** My question is to the Premier and it has to do with the actions by a member of your government, the member for Scarborough East, Mr Steve Gilchrist, and about what you plan to do as a result of that.

On June 3 a secondary school principal in the Scarborough area sent a communication to his school community outlining the changes that will take place in his school in the fall. Mr Gilchrist responded in an unacceptable, threatening and intimidating public letter. In my view, the letter is frightening and it essentially —

**Hon David Turnbull (Minister without Portfolio):** Frightening? Oh, what are you smoking?

**The Acting Speaker (Mr Gilles E. Morin):** Member for York Mills, order, please.

**Mr Phillips:** It is a frightening and threatening letter designed to silence an individual who has dared to express an opinion that Mr Gilchrist may not agree with. My question is this: Have you now reviewed that correspondence and is it your intention to ask Mr Gilchrist to apologize?

**Hon Michael D. Harris (Premier):** I have not seen the correspondence. Perhaps you have. I have been made generally aware that the correspondence had absolutely nothing to do with any government money or government policy or government scholarship but a personal family matter. I'd be happy to review the correspondence and see if there is any indication of anything to do with government programs or government money. To the best of my knowledge, there is not.

**Mr Phillips:** I appreciate your being prepared to review the correspondence and I will right now ask if the page will send this over to the Premier. My hope would be that you can review it very quickly and that we would have an opportunity for you to make a judgement on whether you find this type of communication acceptable as a standard for a member of your government.

I just want to quote a few things that Mr Gilchrist said to this principal: "This cannot be allowed to go on." You are frightening "students and parents with lies." I would say, Premier, that when you review it, I don't think there



are any lies in the correspondence. He went on to say, "I cannot sit idly by while you go out of your way to undermine all of the improvements to the education system." He also says, "If I do carry this out — and much will depend on your actions between now and commencement later this year...." In other words, he threatened him, he said it is his plan to carry this out, but he may not if the principal agrees to toe the line.

I say it is frightening because it essentially is bully tactics of the worst order, attempting to silence an individual who is attempting to spell out to his community the impact on his school this fall.

I say to you again, Premier, will you this afternoon undertake to review this correspondence and apply your judgement on whether you are going to ask for an apology from Mr Gilchrist?

**Hon Mr Harris:** Yes, of course. I'd be glad to. I'm sorry, I just went to the end where it said, "I am prepared to work with you, the staff, the students, the parent council, and the West Hill Collegiate Institute community, to ensure that everyone benefits from the education and funding reforms." That part certainly doesn't sound threatening, but I'd be glad to take a look at the letter and respond to him.

#### GOVERNMENT CONTRACTS

**Mr Howard Hampton (Rainy River):** I have a question to the Premier. Over three weeks have passed since we began raising questions about your government's casino coverup, and for three weeks you weren't in this Legislature. You tried to pass it off to your minister for Management Board and he tried to pass it off to the legal counsel for the casino corporation. He tried to give the impression that he was doing something about the mess, but in fact that all fell apart last week, so the stench keeps getting worse.

You have to take some action here. You have some responsibility on behalf of the people of Ontario. You need to open up this whole casino affair. You need to give the public a chance to see what is in fact happening, why friends of the Conservative Party seem to be getting all of the opportunities for lucrative casinos in Ontario.

Premier, will you do the right thing? Will you direct your minister to scrap the whole tainted casino affair and start again with a process that is open to the public —

**The Acting Speaker (Mr Gilles E. Morin):** The question has been asked.

**Mr Hampton:** — so that everyone can see what is happening?

**The Acting Speaker:** The question has been asked. Premier.

**Hon Michael D. Harris (Premier):** I know the minister can respond if there's anything new or specific, but since it's the same old mud that you sling with not a shred of evidence to back it up, there's really nothing new I could say.

**Mr Hampton:** Premier, the reality is, a lot has been happening. Your minister tried over a week ago to sanitize

this by getting the law firm that acts for the Ontario Casino Corp to investigate and report on the casino corporation. Anyone can see through that. If you write to Al Capone's lawyer and ask him to give you a report on Al Capone, of course it's going to be a good report. The report wasn't worth what it was printed on.

**The Acting Speaker:** Question.

**Mr Hampton:** The new president of the casino corporation recognizes that. He knows that someone neutral has to be brought in to look at it. He's bringing in Stanley Beck.

I am saying to you, Premier, instead of trying to sanitize it once, twice, three times, why don't you open the process up to the public so people can really see what is happening in your casino scheme?

**Hon Mr Harris:** Since it's virtually the same process your government had in place, since the allegations that you've made in here are not allegations you're prepared to make outside and, concerning the issue of any potential conflict, that had nothing to do with our government or with any friends of our government — it had to do with a Michael French, who is an American consultant I think first brought in when you were there — and since there has not been one word printed or brought forward or any allegation inside or out that anything was done other than totally aboveboard, totally proper, totally the way you had done it, the same way, I think the evidence rather speaks for itself.

#### MINE RESCUE COMPETITION

**Mr Joseph Spina (Brampton North):** My question is for the Minister of Labour. Recently, on June 6, I understand that you were in our great part of the province, northern Ontario, Timmins, and you attended the provincial mine rescue competition and also the awards.

Minister, can you tell us a little bit about that event? I think it's something that everybody in this province would like to hear about.

**Hon Jim Flaherty (Minister of Labour, Solicitor General and Minister of Correctional Services):** I thank the honourable member for Brampton North for the question.

**Mr Gilles Pouliot (Lake Nipigon):** He doesn't know gold from gravel.

**The Acting Speaker (Mr Gilles E. Morin):** Member from Nipigon. Minister.

**Hon Mr Flaherty:** The event, which is an important event in northern Ontario and in our mining industry in Ontario, was the 48th annual provincial mine rescue competition. These brave miners volunteer their time and effort to mine rescue training because they know that their work saves lives.

For example, last year, a fire reported to the Ministry of Labour lasted three full days. Full emergency response to that fire involved six teams rotating 24 hours a day. They isolated the fire, allowing normal mining operations to continue, and there wasn't one lost-time injury as a result of that fire. That's what these brave draegermen do.

They're not only the best in Canada; they're the best in the world at mine rescue.

1430

**Mr Spina:** Minister, I'm happy that it was a successful event. Having been to the 500-metre level of the Holloway Mine near Matheson, I feel a whole lot reassured when I see the safety teams that were working around with us.

Minister, this is really a keen competition. Who won?

**Hon Mr Flaherty:** I will be pleased to answer the honourable member's question. The competition was incredibly close this year. Less than 50 points separated the first and final teams.

*Interjections.*

**The Acting Speaker:** Order. A question has been asked. You have to listen to the response. That's his right.

*Interjections.*

**The Acting Speaker:** Order.

**Mr Peter Kormos (Welland-Thorold):** Shut him up. This is crap. People are talking about Bill 31, not this crap.

**The Acting Speaker:** Order, the member for Welland-Thorold.

**Hon Mr Flaherty:** I must say I'm surprised that the member for Welland-Thorold and other members don't show respect for these hardworking, brave mine rescue teams in the north.

There were competitors from seven districts, each of which had won their own district championship: from the southern Ontario district, the Canadian Salt Co Ltd, Ojibway Mine in Windsor; from the Onaping district, Falconbridge Ltd, Onaping/Craig Mine; from Thunder Bay-Algomia district, Battle Mountain Gold, Golden Giant Mine; from the Timmins district, the Kinross Gold Corp, Timmins operations; from the Red Lake district, Placer Dome, the Campbell Mine; from the Kirkland Lake district, Barrick Gold, the Holt-McDermott Mine; and from the Sudbury district, Inco, Creighton Mine.

There were two winners. There was a tie. The winners were Falconbridge, Onaping/Craig Mine, and the Barrick Gold Corp, Holt-McDermott Mine. These men and all their competitors deserve our respect. They are heroes in mining in Ontario.

#### LABOUR LEGISLATION

**Mr Richard Patten (Ottawa Centre):** My question is to the Premier. There was a news conference today held in the Legislature. Pat Dillon, the business manager of the Provincial Building and Construction Trades Council of Ontario, called Bill 31, the labour bill, "legislation by ambush." He went on to say that as a result of the lack of consultation with the industry, Bill 31 is an ill-conceived piece of legislation that will have far-reaching negative impacts on the whole industry.

John Cartwright, who is the business manager of the Toronto-Central Ontario Building and Construction Trades Council, at the same news conference stated that a member of your staff, but formerly in his previous incarnation Guy Giorno, when representing the TD Bank,

offered \$900,000 to the Carpenters union at the TD Bank to back off. The union refused, and of course TD Bank had to honour their particular agreement. I'd like to know, Premier, what has been the role of Guy Giorno in the drafting of Bill 31?

**Hon Michael D. Harris (Premier):** I never heard of a Guy Giorno; I do know a name pronounced Guy Giorno, though. I think the Minister of Labour can answer.

**Hon Jim Flaherty (Minister of Labour, Solicitor General and Minister of Correctional Services):** Bill 31 has been the product of extensive consultation, including consultations with the building trades council. Those consultations have gone on for over a year with respect to several important issues, in particular the issue of project agreements.

After the bill was introduced in this House on June 4, 1998, the following day the director of government relations for the Provincial Building and Construction Trades Council of Ontario said that the trade unions had had talks with the government about the project agreements. Indeed, that is absolutely so. He said, "In principle, we've agreed with helping to attract investment to Ontario through project agreements."

Those project agreements are incredibly important, as I'm sure members of the opposition understand, particularly in the petrochemical sector in Sarnia and Lambton. Some unions want to send jobs south; we want to keep these good jobs, these good union jobs, in Ontario.

**Mr Patten:** I want to recognize many members from the Carpenters union, Local 27 who are here today and other representatives of the trade unions. Thanks for coming.

Minister, you didn't answer the question. I asked you what role this man played. You obviously don't want to answer that question. The other thing is that in the consultations you had, you did not once introduce some of the factors you've put in this legislation. Now you don't want to have hearings. Why is that? If this is such a great bill and you're proud of it and you think it's the greatest, then why don't you put it out to public hearings and give them an opportunity to respond? It's not just the trade unions, it's the contractors as well who have some concerns about this, because they know the fragility of the construction industry.

**The Acting Speaker (Mr Gilles E. Morin):** The question has been asked.

**Mr Patten:** You have to be very sensitive. You're just trying to ram this through. Will you have public hearings?

**Hon Mr Flaherty:** The honourable member is correct that contractors do have genuine concerns, both contractors who employ union personnel and contractors who employ non-union people.

In fact, the Ontario General Contractors Association wrote to say: "This association represents both unionized and open-shop companies in approximately a 50-50 ratio. Our board of directors voted 100% that we should take action on this issue. We urge you to voice your opinion in caucus that the province act to ensure that publicly funded



construction projects are open to all taxpayers, not just those with union agreements."

This is an effort to restore balance.

**The Acting Speaker:** New question; the member for Hamilton Centre.

**Mr David Christopherson (Hamilton Centre):** My question is also to the Premier. It's not a question that you can easily slough off to your minister. This is your top policy adviser; this is an individual, Mr Giorno, who works out of your office. He's answerable to you. The fact is that he indeed was the lawyer for the TD Bank when, through all those recent years, they have tried to weasel out of their responsibilities to a legal collective agreement in front of the labour board and in front of the courts. Now, Premier, you expect us to believe that it's just a coincidence that under your Bill 31 the TD Bank can now just rip up those collective agreements and not have to worry about anything because you've protected them under Bill 31.

Why won't you accept that this is not allowable, not acceptable practice in terms of people in your office achieving their clients' and friends' goals through the legislative process just because they can't win it in the courts?

*Interruption.*

**The Acting Speaker:** I want to advise the people in the gallery that you're prevented from any demonstration. If you don't want to abide by these rules, I'll have to ask you to leave. I know you will respect the orders of the House.

**Hon Mr Harris:** I too welcome the members of the Carpenters union, who have many more jobs today than they did for the last 10 years as the result of this government's policies.

I might also point out to the Legislature that the law firm you're referring to, while Mr Giorno was there — during the NDP's term of office they used that law firm an average of 230,000 per year. Perhaps it was because Mr Giorno's expertise was there; I am not sure.

But let me assure you and the Carpenters union and the members who are here and all Ontarians that our goal with this legislation is to not stop the massive job creation and rebuilding of Toronto that's taking place under our government, because as long as there is one worker, union or otherwise, who wants to work and is unemployed in this province, we're going to do everything we can to have more jobs and more work and more money for those members who are the heart and soul of the construction industry here in Toronto and all across this province. Every piece of legislation, including Bill 31 —

**The Acting Speaker:** Thank you, Premier.

1440

**Mr Christopherson:** Premier, what a load of garbage. The fact of the matter is that Bill 31 is an anti-union bill that's meant to go after workers and go after their unions. It doesn't matter what part of this we look at, whether it's what's called the Wal-Mart provision where you're not allowing automatic certification, whether it's project

agreements or whether it comes after non-construction employers, as in the case I just raised.

**The Acting Speaker:** Question.

**Mr Christopherson:** These people aren't here today —

**The Acting Speaker:** Order. A question period is not for making a speech. It's for asking a question. Please ask your question, otherwise I won't recognize you.

**Mr Christopherson:** Premier, as I was saying, these people are not here to thank you for anything. They're here in protest over the fact that you're intending to ram this anti-union bill through this Legislature without any hearings.

Premier, are you either going to accept the responsibility for the chaos that's going to happen in the construction industry or are you going to hold public hearings, one or the other?

**Hon Mr Harris:** There is a process for accountability that will come about next year or the year after and I want to assure you that I am prepared to accept full responsibility for the record of this government, for the massive increase in job creation of this government, for the massive increase in investment, for the increased numbers of the Carpenters union who are working in Toronto and working across this province today, for the increased number of union members, particularly in the construction industry, who are working. I am proud and happy to stack our five-year record against your five-year record of jobs and growth and investment any day, any time.

## AUTOMOBILE INSURANCE

**Mr William Saunderson (Eglinton):** My question is for the Minister without Portfolio responsible for privatization, who is also the government lead on auto insurance.

In the past, I have been contacted by some of my Eglinton constituents who have been denied auto insurance coverage by their insurance companies and have been assigned to the high-risk auto insurance market, which is also known as the Facility Association, or FA. They complained that they weren't given any warning of the fact that they were at risk of dramatic increases in their premiums because of their driving history.

I seem to recall hearing recently that this aspect of the auto insurance system was going to be changed or has changed. Minister, can you tell me whether changes have indeed been made to the high-risk auto insurance market so that I may report back to my constituents?

**Hon Rob Sampson (Minister without Portfolio [Privatization]):** We certainly promised that we would reform the Facility Association and we have kept that promise. The previous four-point system that operated under Facility Association didn't reflect the public's expectation that it would be the bad drivers who would be paying the higher premiums. In fact, many people who were not classified as bad drivers were forced into that system because of its ill-conceived design under the previous administration.

The current system was of course designed under our instruction, in cooperation with not only industry players but consumer association representatives, brokers, people who actually have to pay and market this program through Ontario.

**Mr Saunderson:** I am pleased to hear the changes to the high-risk auto insurance marketplace have been made and that a new system is being put in place. I wonder if the minister would outline in greater detail the features of the new system, and could he also explain whether anything has been done to improve communication between insurance companies and drivers at risk of being placed in the high-risk market.

**Hon Mr Sampson:** The fundamental design of the current system, the new system, is that it has three different tiers. One tier would deal with, for instance, drivers who had an impaired driving conviction who, one would expect, would pay more than somebody who had some minor traffic conviction. That's part of the design of the new system.

Premiums, of course, will now properly reflect the various risk categories we see in auto insurance so that some drivers will pay more and some drivers will clearly pay less. But the good news is that we have set in place a communication system where companies will have to advise consumers, auto insurance premium buyers, of these various classifications and how they can get into that system and how they can get out.

#### MINISTERIAL CONDUCT

**Mr Dominic Agostino (Hamilton East):** My question is to the Premier. Recently, a company called United Aggregates Ltd had broken the law and was found by a justice of the peace to have broken the law in regard to quarrying along the Niagara Escarpment. Justice of the Peace Wendy Casey ruled that the charges against the company would be dropped because your former Minister of Environment and Energy, Brenda Elliott, in her capacity as minister advised the company to break the law and continue operating on the Niagara Escarpment without a permit. The judgement said that the minister advised the company to continue mining, and they continued.

Does this type of case not hit at the heart of the integrity of your government? Does it not speak of acceptable conduct for ministers in their capacity to advise companies that they should break the law?

**The Acting Speaker (Mr Gilles E. Morin):** Thank you. The question has been asked.

**Mr Agostino:** Do you find that acceptable, and what action would you take on it?

**Mr James J. Bradley (St Catharines):** Here's the note from Guy Giorno. Guy Giorno says —

**Hon Michael D. Harris (Premier):** The note says that the Minister of Natural Resources knows more about this than I do, so I'll refer it to the Minister of Natural Resources.

**Hon John Snobelen (Minister of Natural Resources):** I thank the member opposite for the question. I know that this matter —

*Interjections.*

**The Acting Speaker:** Order. Go ahead.

**Hon Mr Snobelen:** Thank you, Mr Speaker. I know this matter has been put forward to the authorities in question. I understand that the aggregate company now is in compliance with the law and will continue to be in compliance with the law, and that has been filed with our ministry, and is in compliance with the Niagara Escarpment Commission. That's my understanding of the facts of the matter to date.

**Mr Agostino:** Members of the commission and former members have expressed horror at the ruling. Clearly the decision here said that this company could get away with breaking the law because they were advised by the minister that they can go ahead and ignore the law of the province because she was the minister of the day and she was responsible for this.

It's not a question of whether they are following the law today. It's a question that at the time they were charged, the Minister of Environment said to the company, "Break the law; it's okay." That is not acceptable behaviour of a cabinet minister. That abandons commitment to the Niagara Escarpment; that abandons any sense of the law being followed in this province.

Do you believe it was appropriate for that minister to give that judgement and that decision to the company? If not, will you today recommend an appeal in this case?

**Hon Mr Snobelen:** I want to assure the member opposite that United Aggregates has all the appropriate permits that are necessary under the Aggregate Resources Act for its quarry activities on the Niagara Escarpment. In fact, it's in compliance and has satisfied all the requirements of the Niagara Escarpment Commission for those quarrying operations. Those are the facts. That's the condition as it exists today.

#### MEMBER'S CONDUCT

**Ms Frances Lankin (Beaches-Woodbine):** My question is to the Premier. I would like to follow up on the issue of Mr Gilchrist and his brutish, bullying and threatening letter to Principal Tarver at West Hill Collegiate. I recognize that you've received a copy of his letter and you're going to review it to determine whether you think that behaviour meets appropriate standards for a parliamentary assistant of your government.

I would like you at the same time to review the transcript of the CBC Evening News at 6 o'clock last night and the political panel, during which Mr Gilchrist attacked —

**Hon Cameron Jackson (Minister without Portfolio [Seniors Issues]):** On a point of order, Mr Speaker: Isn't it a custom to refer to the member by his riding? I would appreciate that.

**The Acting Speaker (Mr Gilles E. Morin):** Please refer to his riding.

**Ms Lankin:** The member for Scarborough East last night during the show attacked the character and the credibility of the principal of this school, and he was not there to be able to defend himself. In fact, he went so far



as to call this gentleman a liar, on television that goes right across southwestern Ontario, when the individual wasn't there.

I think that is unacceptable behaviour on the part of a parliamentary assistant of the government of Ontario. Will you review those transcripts and determine whether that meets your standards or not, Premier?

**Hon Michael D. Harris (Premier):** I take requests from members seriously at all times, and I would be happy to do that. I would remind the member that now she is admonishing a member for saying something out in public, where it is challengeable in court, as opposed to the usual practice of her members, which is to say it here under parliamentary privilege when they're afraid to go outside and say it in public, when it is challengeable, when there are remedies, when they can be sued.

1450

**Ms Lankin:** I'll ignore the macho bravado of the Premier in his response and suggest to him that there's a very serious —

*Interjections.*

**The Acting Speaker:** Order. The member for Beaches-Woodbine has the floor. Order, the member for Kingston and The Islands.

**Ms Lankin:** Premier, the member for Scarborough East has threatened that school with the withdrawal of the Gilchrist sponsorship, which he claims to be a \$200 sponsorship per year that is given. I have to tell you that the school has checked the records and in fact the last time that Canadian Tire, not the Gilchstris, donated any money was 1994, before the member was even elected. So perhaps you'll find his conduct wasn't threatening simply because it was an empty threat.

I've got to tell you I've just finished speaking to one of the secretaries in the administrative office of the school. They have been flooded with phone calls from the community in support of the principal, in support of the staff there, and appalled at the actions of the member for Scarborough East.

The member for Scarborough East also alleges the support of the parents council. I can tell you they met last night informally and they are supportive of their principal.

You must look into this and appropriate steps must be taken. We need to know if you accept that as a standard of behaviour for a parliamentary assistant of your government.

**The Acting Speaker:** Premier.

**Hon Mr Harris:** Thank you, and through you, Mr Speaker, I thank the honourable member too.

## ROAD SAFETY

**Mr Ernie Hardeman (Oxford):** My question is to the Minister of Transportation. In the first week of June the citizens of the city of Woodstock participated in the 1998 Road Safety Challenge for the first time. I personally had the opportunity to have my driving skills retested and I want to tell you that I did find that over the years I had acquired some bad habits in my driving practices. I want

to ask the minister if he would tell the House some of the important factors of this important safety measure he's undertaking.

**Hon Tony Clement (Minister of Transportation):** Obviously, I want to thank the honourable member for Oxford for being so up front. I think in our quieter moments we all realize that all of us would do well to retest our skills.

I would like to inform the House that the Road Safety Challenge took place between May 31 and June 7. It was a week-long educational campaign focused on reducing collisions and heightening awareness in our local communities.

I can tell you that this government takes road safety very seriously. In fact, we have passed three road safety bills over the last three years. In spite of that, 600 reportable motor vehicle collisions occur every single day in Ontario. Obviously more has to be done.

I'd like to share with this House the results of the 1998 Road Safety Challenge. In first place, with zero collisions, is Petawawa; in second place, with 0.922 collisions per 10,000 residents, is Kanata; and in third place, with 1.805 collisions per 10,000 residents, is Halton Hills. My congratulations to them all.

## PETITIONS

### ABORTION

**Mr John C. Cleary (Cornwall):** I have a petition to the Legislative Assembly of Ontario.

"Whereas the Ontario health system is overburdened and unnecessary spending must be cut; and

"Whereas pregnancy is not a disease, injury or illness and abortions are not therapeutic procedures; and

"Whereas the vast majority of abortions are done for reasons of convenience or finance; and

"Whereas the province has exclusive authority to determine what services will be insured; and

"Whereas the Canada Health Act does not require funding for elective procedures; and

"Whereas there is mounting evidence that abortion is in fact hazardous to women's health; and

"Whereas Ontario taxpayers funded over 45,000 abortions in 1993 at an estimated cost of \$25 million;

"Therefore we, the undersigned, petition the Legislative Assembly of Ontario to cease from providing any taxpayers' dollars for the performance of abortions."

This has been signed by 526 residents of eastern Ontario.

## OCCUPATIONAL HEALTH AND SAFETY

**Mr David Christopherson (Hamilton Centre):** Further petitions regarding workplace health and safety continue to pour in.

"To the Legislative Assembly of Ontario:

"Whereas approximately 300 workers are killed on the job each year and 400,000 suffer work-related injuries and illnesses; and

"Whereas the government of Ontario continues to allow a massive erosion of WCB prevention funding; and

"Whereas Ontario workers are fearful that the government of Ontario, through its recent initiatives, is threatening to dismantle workers' clinics and the Workers' Health and Safety Centre; and

"Whereas the workers' clinics and the Workers' Health and Safety Centre have consistently provided a meaningful role for labour within the health and safety prevention system; and

"Whereas the workers' clinics and the Workers' Health and Safety Centre have proven to be the most cost-effective prevention organizations funded by the WCB;

"Therefore we, the undersigned, petition the Legislative Assembly of Ontario to immediately cease the assault on the workers' clinics and the Workers' Health and Safety Centre; and

"Further, we, the undersigned, call upon the Legislative Assembly of Ontario to ensure that the workers' clinics and the Workers' Health and Safety Centre remain labour-driven organizations with full and equitable WCB funding and that the WCB provide adequate prevention funding to eliminate workplace illness, injury and death."

I continue to support these petitioners by adding my name.

#### PROTECTION FOR HEALTH CARE WORKERS

**Mr Bob Wood (London South):** I have a petition signed by 15 people which I present on behalf of the member for London North.

"Whereas nurses in Ontario often experience coercion to participate in practices which directly contravene their deeply held ethical standards; and

"Whereas pharmacists in Ontario are often pressured to dispense and/or sell chemicals and/or devices contrary to their moral or religious beliefs; and

"Whereas public health workers in Ontario are expected to assist in providing controversial services and promoting controversial materials against their consciences; and

"Whereas physicians in Ontario often experience pressure to give referrals for medications, treatments and/or procedures which they believe to be gravely immoral; and

"Whereas competent health care workers and students in various health care disciplines in Ontario have been denied training, employment, continued employment and advancement in their intended fields and suffered other forms of unjust discrimination because of the dictates of their consciences; and

"Whereas the health care workers experiencing such unjust discrimination have at present no practical and accessible legal means to protect themselves;

"We, the undersigned, urge the government of Ontario to enact legislation explicitly recognizing the freedom of conscience of health care workers, prohibiting coercion of and unjust discrimination against health care workers because of their refusal to participate in matters contrary to the dictates of their consciences and establishing penalties for such coercion and unjust discrimination."

**The Acting Speaker (Mr Gilles E. Morin):** You might have noticed again that petitions are far too long. Many members are waiting to read their petitions, so when they last too long, not everyone has a chance to say them. Try to make them brief.

#### SCHOOL ACCOMMODATION

**Mr Alex Cullen (Ottawa West):** My petition is short.

"To the Legislative Assembly of Ontario:

"Whereas Holy Trinity Catholic high school in Kanata has 30 portables on site and no room for any more; and

"Whereas students' education and their health and safety are compromised by continued and excessive overcrowding; and

"Whereas the reduction of class size as mandated by the government will cause further stress of the school's facilities;

"Therefore, be it resolved that we, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the government provide immediate funding for a new Catholic high school in Stittsville to open in September 1999 to alleviate this crisis in accommodation at the Holy Trinity Catholic high school in Kanata."

I affix my signature to it.

#### PROTECTION FOR HEALTH CARE WORKERS

**Mr William Saunderson (Eglinton):** Mr Speaker, this is in the new format. I rise today to present a petition signed by some of the constituents of my riding of Eglinton. They're petitioning the government of Ontario to enact legislation to protect health care workers against discrimination because of their refusal to participate in matters contrary to the dictates of their consciences.

**The Acting Speaker (Mr Gilles E. Morin):** Thank you very much. That is the way it should be.

#### HEALTH CARE

**Mr Dwight Duncan (Windsor-Walkerville):** I have a petition to the Legislative Assembly of Ontario.

"Whereas we are concerned about the quality of health care in Ontario;

"Whereas we do not believe health care should be for sale;

"Whereas the Mike Harris government is taking steps to allow profit-driven companies to provide health care services in Ontario;

"Whereas we won't stand for profits over people;



"We, the undersigned, petition the Legislative Assembly as follows:

"Do not privatize our health care services."

I join the citizens of 2455 Rivard in signing this petition.

1500

### CHIROPRACTIC HEALTH CARE

**Mr David Tilson (Dufferin-Peel):** I have a petition with 431 signatures from my riding. It's addressed to the Ontario Legislature, Premier Mike Harris, Health Minister Elizabeth Witmer and members of the Ontario Legislature.

"Whereas the Ministry of Health has recently strengthened its reputation as the Ministry of Medicine through its \$1.7-billion three-year agreement with the Ontario Medical Association; and

"Whereas Mike Harris's government is restricting access to alternative cost-saving treatments for patients of the province; and

"Whereas two recent reports commissioned by the Ministry of Health called for increased OHIP funding to improve patient access to chiropractic services on the grounds of safety, effectiveness and cost-effectiveness; and

"Whereas over one million Ontario adults now use chiropractic services annually, increasingly those with higher incomes, because of the cost barrier caused by government underfunding; and

"Whereas Mike Harris's government has shown blatant disregard for the needs of the citizens of Ontario in restricting funding for chiropractic services;

"We, the undersigned, petition the Legislative Assembly of Ontario to recognize the contribution made by chiropractors to the good health of the people of Ontario, to recognize the taxpayer dollars saved by the use of low-cost preventive care such as that provided by chiropractors and to recognize that to restrict funding for chiropractic health care only serves to limit access to a needed health care service."

I have signed that petition.

**The Acting Speaker (Mr Gilles E. Morin):** Some are too long.

### EDUCATION FUNDING

**Mr Alvin Curling (Scarborough North):** I have a petition from some very concerned citizens in my constituency, and it reads:

"To the Legislative Assembly of Ontario:

"Whereas education is our future; and

"Whereas students and teachers will not allow their futures to be sacrificed for tax cuts; and

"Whereas students, parents and teachers will not allow the government to bankrupt Ontario's education system; and

"Whereas you cannot improve achievement by lowering standards; and

"Whereas students, parents, teachers want reinvestment in education rather than a reduction in funding; and

"Whereas students, parents and teachers won't back down; and

"Whereas Ontario Liberal leader, Dalton McGuinty, has pledged to repeal Bill 160;

"Therefore, be it resolved that we, the undersigned, petition the Legislative Assembly to withdraw Bill 160 immediately; and

"Further, be it resolved that the Legislative Assembly of Ontario instruct the Minister of Education and Training to do his homework and be a cooperative learner rather than imposing his solution which won't work for the students, parents and teachers of Ontario."

I am in full agreement with this petition.

### ABORTION

**Mr Ted Arnott (Wellington):** I have a petition to the Legislative Assembly of Ontario, which asks that the Legislative Assembly of Ontario cease from providing any taxpayers' dollars for the performance of abortions. It is signed by a significant number of my constituents.

### RENT REGULATION

**Mr James J. Bradley (St Catharines):** "Whereas the Mike Harris government has brought forth Bill 96, legislation which will effectively kill rent control in the province of Ontario; and

"Whereas the Mike Harris campaign literature during the York South by-election stated that rent control will continue; and

"Whereas tenant groups, students and seniors have pointed out that this legislation will hurt those who can least afford it, as it will cause higher rents across most markets in Ontario; and

"Whereas this Mike Harris proposal will make it easier for residents to be evicted from retirement care homes; and

"Whereas the Liberal caucus continues to believe that all tenants, and particularly the vulnerable in our society who live on fixed incomes, deserve the assurance of a maximum rent cap;

"We, the undersigned, demand that the Mike Harris government scrap its proposal to abandon and eliminate rent control and introduce legislation which will protect tenants in the province of Ontario."

I affix my signature; I'm in full agreement.

### PROTECTION FOR HEALTH CARE WORKERS

**Mr Wayne Wettlaufer (Kitchener):** I have a petition to the Legislative Assembly of Ontario, and I realize it's a little long, but it has been signed by 150 residents from my riding, and they believe in this very strongly. It's a matter of principle to them.

"Whereas nurses in Ontario often experience coercion to participate in practices which directly contravene their deeply held ethical standards;

"Whereas pharmacists in Ontario are often pressured to dispense and/or sell chemicals and/or devices contrary to their moral or religious beliefs;

"Whereas public health workers in Ontario are expected to assist in providing controversial services and promoting controversial materials against their consciences;

"Whereas physicians in Ontario often experience pressure to give referrals for medications, treatments and/or procedures which they believe to be gravely immoral;

"Whereas competent health care workers and students in various health care disciplines in Ontario have been denied training, employment, continued employment and advancement in their intended fields and suffered other forms of unjust discrimination because of the dictates of their consciences; and

"Whereas the health care workers experiencing such unjust discrimination have at present no practical and accessible legal means to protect themselves;

"We, the undersigned, urge the government of Ontario to enact legislation explicitly recognizing the freedom of conscience of health care workers, prohibiting coercion of and unjust discrimination against health care workers because of their refusal to participate in matters contrary to the dictates of their consciences and establishing penalties for such coercion and unjust discrimination."

I am pleased to sign my name.

**Mr John Gerretsen (Kingston and The Islands):** My petition is identical to the one of the member for Kitchener, so I will only read the "whereas" clause. It's signed by eight residents in my riding. It says:

"We, the undersigned, urge the government of Ontario to enact legislation explicitly recognizing the freedom of conscience of health care workers, prohibiting coercion of and unjust discrimination against health care workers because of their refusal to participate in matters contrary to the dictates of their consciences and establishing penalties for such coercion and unjust discrimination."

I hereby file this petition.

#### CHIROPRACTIC HEALTH CARE

**Mr John O'Toole (Durham East):** It's my pleasure to present a petition on behalf of a number of my constituents. There are a number of people. It's to the Premier of Ontario, the Minister of Health and the members of the Ontario Legislature.

"Whereas the Ministry of Health has recently strengthened its reputation as the Ministry of Medicine through its \$1.2-billion three-year agreement with the Ontario Medical Association" —

This petition goes on generally in support of the government's actions in health care. I'm very pleased to sign my name to it.

#### HIGHWAY MAINTENANCE

**Mr Michael Gravelle (Port Arthur):** I have a petition here from residents of Rosspport concerned about capital road improvements.

"To the Legislative Assembly of Ontario:

"Whereas the residents of Rosspport contribute to the tax base of the province of Ontario; and

"Whereas the Ministry of Transportation has not included highway repairs for the Rosspport loop, which carries visitors and residents into and out of Rosspport, in their highway maintenance plan; and

"Whereas this road is in need of immediate repairs to ensure the safe passage of drivers;

"Therefore we, the following undersigned citizens of Ontario, beg leave to petition the Parliament of Ontario to immediately bring capital improvements to the Rosspport loop."

It's signed by hundreds of residents of Rosspport, Terrace Bay, Schreiber and Marathon, and I'm pleased to add my name to this petition.

#### CHARITABLE GAMING

**Mr David Tilson (Dufferin-Peel):** I have a petition with 21 signatures from the Hockley Valley Bible Chapel.

"We, the undersigned, oppose the establishment of casinos and video lottery terminals in the town of Orangeville and in the county of Dufferin. We also oppose all government attempts to increase revenue through the means of gambling."

I have signed this petition.

#### ADOPTION

**Mr Alex Cullen (Ottawa West):** I have a long petition. I will simply summarize the "therefore" clause.

"We, the undersigned, petition the Legislature of Ontario to enact revision of the Child and Family Services Act and other acts to permit unrestricted access to full identifying birth information to adopted persons and adult children of adopted persons and unrestricted access to adopted persons' amended birth certificate to birth parents, birth grandparents, siblings and other birth relatives when the adopted persons reach 18."

In light of the times, it's simply to support reform to adoption information access.

#### CHIROPRACTIC HEALTH CARE

**Mr John O'Toole (Durham East):** On behalf of my constituents of Durham East, I'm very pleased to read into the record documents in support of the government's actions with respect to health care. It's to Premier Harris, to Elizabeth Witmer, Minister of Health, and to the members of the Ontario Legislature.

"Whereas the Ministry of Health has recently strengthened its reputation as the Ministry of Medicine through its \$1.7-billion three-year agreement with the



Ontario Medical Association" and further commitments to health care in Ontario, it's very clear that this province is on the right track.

I'm very pleased to sign my name to this petition.

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## ORDERS OF THE DAY

### ENERGY COMPETITION ACT, 1998

#### LOI DE 1998 SUR LA CONCURRENCE DANS LE SECTEUR DE L'ÉNERGIE

Mr Wilson moved second reading of the following bill:

Bill 35, An Act to create jobs and protect consumers by promoting low-cost energy through competition, to protect the environment, to provide for pensions and to make related amendments to certain Acts / *Projet de loi 35, Loi visant à créer des emplois et à protéger les consommateurs en favorisant le bas prix de l'énergie au moyen de la concurrence, protégeant l'environnement, traitant de pensions et apportant des modifications connexes à certaines lois.*

**Hon Jim Wilson (Minister of Energy, Science and Technology):** I'd like to say in the beginning, Mr Speaker, that I'll be sharing my time with the member for Huron and the member for Northumberland this afternoon.

It's an historic time in the province of Ontario as this government moves to open up our electricity industry to competition. We are in many ways leading North America and the world with the Energy Competition Act, the bill that's the subject of our discussion here today for second reading. But we're also following many other jurisdictions in the world — Australia, New Zealand, Britain, California, with President Clinton's pronouncement just over two months ago that all of the United States will be embracing competition in their electricity sector. This has come about because of Sir Adam Beck's and the former Conservative Premier James Whitney's vision for Ontario Hydro. This vision has essentially been completed and it's time to open a new chapter in the history of our electricity industry, and indeed of our industrial policy, in Ontario because so much of what we do, obviously, in terms of attracting jobs depends on our competitiveness, and subsequently the backbone of competitiveness is affordable and fair energy prices for our businesses and residential consumers.

We should remember that at the turn of the century electricity was still one of the modern miracles of science. I just want to paraphrase for a few minutes from Mr Ron Daniels, the dean of medicine and chair of our Market Design Committee, who spoke to the Toronto board of trade just this morning. He reminded us that at a time when most people obtained their heat by burning wood and their light by burning candles, electricity was a novel technology, a miracle fuel that you could not see, hear, touch or smell. Yet at the flick of a switch it was suddenly there ready to turn motors, light streets, power railcars and do a thousand other useful jobs.

Today, after nearly a century, we all take electricity pretty much for granted and we've come to depend on it a lot more than we realize, at least until a major ice storm — as we saw, Mr Speaker, in your part of the province earlier this year — or a fallen tree knocks out the system for a few hours and reminds us just how vulnerable we are when the lights go off.

In 1906, public power won the day when the Conservatives under James Whitney created the Hydro-Electric Power Commission of Ontario and named Adam Beck as its first chairman. In the beginning, the corporation bought electricity from the private sector and transmitted it to communities throughout southern Ontario. It wasn't long before demand was such that the utility began building and operating its own generating facilities.

Over the past 92 years Ontario Hydro became one of the world's largest electricity monopolies; indeed one of the largest electricity generators in all of North America and the world. It was designed to provide power in the most cost-effective way possible and to accomplish public policy objectives such as industrial development and rural electrification. I think all members would agree that for most of that 92 years, Ontario Hydro served the people of Ontario very well. During much of that time, if we had simply left it up to market forces, perhaps rural Ontario would not have been electrified as quickly as it was. In the western industrialized world many parts of Ontario were the first to receive electricity in their rural areas, well ahead of other jurisdictions. For that we are grateful to Ontario Hydro and we're grateful to the vision of our forefathers, who set out a very good plan. There aren't too many plans that last about a century, and clearly the original plan for Ontario Hydro lasted almost that long.

As Ron Daniels reminded the board of trade this morning, that vision has been realized, and in the last 10 years the performance at Ontario Hydro has not been what a prudent shareholder would expect. The shareholder is the people of Ontario, as represented by the minister, and people are demanding greater choice and greater accountability. By Hydro's own admission, we've seen that mistakes have been made. We've seen a large debt piled up.

But I remind people that the people who were there during the dark days of Ontario Hydro decision-making are not the same people who are there today. This government has put in place a new senior management, a new board in particular which has put in place a senior management team. That board is quite ably chaired by Mr Bill Farlinger who, yes, is a friend of the government, but he is also very much a friend of the people of Ontario in that he brings to the job a lifetime of corporate advice, corporate experience, to ensure that the proper decisions are taken in these very difficult times for Ontario Hydro and that the company is brought through with a clear vision of what its future is. I want to talk at the end about what that vision is, because it's a very exciting vision, for not only the shareholders but of course the employees and management at Ontario Hydro.

Also, Mr Ron Osborne, who joined Ontario Hydro just a few months ago, coming from Bell Canada and Maclean Hunter before that, brings a lifetime of tremendous experience too. New board members whom we've put in place I think in the last couple of years have admitted the mistakes of the corporation and have been setting out various plans, like the nuclear asset optimization plan, to ensure that we move forward to bring our nuclear assets back up to world excellence and put behind us the days of minimally acceptable performance by parts of that corporation. Those days are behind us.

Hydro is extremely important; there's no doubt of that. Our hydro rates have gone up since 1986 about 52% to 56%, on average about 54%. In the last five years alone hydro rates have gone up 30%. When we attracted the industrial jobs in the 1950s, 1960s and 1970s in this province, Ontario had the lowest electricity rates in Canada. We now have the third-highest, just behind Nova Scotia and Prince Edward Island. That is a shame.

The bill before us today, the Energy Competition Act, sets out a framework for us to introduce competition and to give the best guarantee we can to the ratepayers of the lowest possible prices.

We've seen in the jurisdictions I mentioned earlier — Argentina, Australia, New Zealand, California, other states, and Britain — that prices have gone down with the introduction of competition anywhere between 8% and 40%.

We've seen over the last decade, with the introduction of competition in the natural gas sector in Ontario, that not only did it bring greater consumer choice but prices have gone down at least 30% and for some large customers 40%, and that's net of inflation. We should have seen prices go up a bit each year, even though inflation's been fairly low, but indeed we've seen prices go the other way.

The benefits, as Mr Daniels points out in his remarks — I'll just say that I think he's done a good job of putting together the following statement: "The day of the monopoly is over, for the evidence is that electricity restructuring offers several specific gains, including fairer prices that are determined on a competitive basis in a market that's open to many different buyers and sellers."

It's a dramatic change for the province, because we're moving from providing electricity at cost, where the cost determines prices — and that means Hydro could make whatever decisions it wanted and had a free-for-all, nothing binding on it in terms of prices. It could have a review of its rates before the Ontario Energy Board, but in recent years more often than not Hydro ignored the outcome of those hearings and went ahead and set its own rates anyway, unlike gas, where the energy board does set the rates consumers pay.

We saw that costs were determined and rates went up according to the costs. We now move to a system where price will determine cost, which we know is how all our other commodities are bought and sold in this province. People are probably very unfamiliar with cost determining price, because in our daily lives when we go to the store or otherwise, most of the products we buy or services we

purchase have as their fundamental formula that costs will be determined by the price the market will bear.

That will be a big plus as we remove the government's debt guarantee and Hydro has to act on a more business-like basis and be more prudent in its judgements. It's already doing that under the new leadership of the last couple of years, under Mr Farlinger's leadership.

Mr Daniels also points out that there will be greater choice and greater clout for electricity consumers and the potential for system-wide improvements in safety, reliability and environmental protection.

Think of this dramatic change for the province too: We're going from a system where the company chose its customers to a system where customers choose their electrical supply company, something we take for granted in other goods and services. We choose the products, we choose what companies we want to have provide services to us, but for 92 years the people of Ontario have never had that choice. Even though the private sector and environmental groups and indeed the unions have been asking for a breakup of this monopoly for many years, no other government had the gumption to do it.

#### 1520

As Ron Daniels reminded the board of trade, there have been 16 reports, royal commissions, select committees and legislative hearings that have all focused over the last three decades on Ontario Hydro; no fewer than 16 of these. The last one, upon whose advice we acted, was chaired by the Honourable Donald Macdonald in 1996 and it was the Advisory Committee on Competition in Ontario's Electricity System. It formed the basis of the government's white paper that I introduced on November 6 last year, and it forms the basis of the new competitive model that we have before the House today.

We will also see with the introduction of competition a more efficient distribution of electricity, a more businesslike approach to system planning and investment, a better overall balance between supply and demand and, finally, as Dean Daniels points out, improvements to the overall financial health of the system, since the risks and costs of the system will be spread out among new players, including private companies and their shareholders, rather than just ratepayers and taxpayers.

One of the reasons we know we'll have lower costs, particularly in Toronto, is that there are tremendous savings to be made immediately on the distribution side. I'm going to outline just briefly in the time I have where the savings could come from with the introduction of competition.

In the generation sector, and about 70% of the wholesale price of electricity today is the generation side, we know from the unions themselves and the new management at Hydro that there are tremendous efficiencies to be found there, but those efficiencies will only come if Hydro is forced to sharpen its pencil by having to compete with others for generation.

We know on the distribution side, which is the local wires, that there are tremendous savings to be had there. In Toronto, the new Toronto Hydro Commission is



admitting that they may be able to pass off savings in the near future in the 20% range on the distribution portion of the bill. If you look at our distribution sectors, which are themselves local monopolies run by our municipal electrical utilities — we give credit to Hazel McCallion in Mississauga again. You have distribution costs there of 8%. In Toronto, in the old Toronto Hydro and now the amalgamated six MEUs that have come together to create the new Toronto Hydro, distribution costs are in the 25% range — totally unacceptable. Some of that is not management's fault, some of that is congestion problems in the city, but by their own admission last week, we should see rates fall in Toronto to at least come in line with those rates enjoyed by areas in the GTA. So there are savings there. If this bill hadn't been introduced, I don't think we would have seen the impetus for those companies. Those monopolies now will all be commercialized just like Ontario Hydro, and they'll have to act like businesses and pass those savings on to their customers.

Finally, in the area of stranded debt, as members know, the Ministry of Finance, following on the work by Dr Bryne Purchase, the former chief economist of the province, will be issuing an options paper at the end of this month or the first part of July further enlightening all of us on how we're going to deal with the issue of stranded debt. We're receiving lots of advice out there.

**Mr Bud Wildman (Algoma):** How large is the stranded debt?

**Hon Mr Wilson:** "How large is the stranded debt?" is a very good question. There are three different expert accounting teams that are in Ontario Hydro now, along with the Ministry of Finance, all trying to figure out where those cobwebs are and all trying to find every penny of debt. It's an examination of conscience for some, I would say, and it's an examination of the books for others, as they go through Ontario Hydro, line by line, department by department. We will have a full airing, as we have had. I think one of the reasons we have had all-party consensus on the approach to this legislation is that I and my colleagues have all been very open and honest about this entire process, and we certainly will have a full airing with respect to the stranded debt.

But I don't like the word "new." I hear members opposite on talk shows, and others, talking about new charges. There's nothing new in this. I said to a panel of political experts on Studio 2 the other day, as they went on about new charges and new debt, "There's nothing new." The ratepayers in this province have always been on the hook for the decommissioning costs. They've always been on the hook for any debt that Hydro incurs, because every penny of it has been guaranteed, and that guarantee will be removed over the next couple of years. Hydro will have to act like a business and make decisions like a business. If they don't, we'll make sure there's a board in there that does, although we have great confidence in this particular board and the direction they've been steering Hydro in as it prepares for open competition.

There's nothing new. There's not a thing in this bill that would cause new financial pressures. It's all designed

— all of the payments in lieu, the payments in lieu of corporate taxes that Hydro's been exempt from over the years. Its successor companies will pay money, not into the consolidated revenue fund, but money and charges that are in the system now will go towards paying down, will go into the financial holding company called the Ontario Hydro Financial Corp, or Holdco, and all that money will go towards paying down the stranded debt. That is a tremendous positive whatever way you slice it.

We will ensure and the Ontario Energy Board will ensure that the savings from lower debt interest costs and lower debt servicing costs will be passed on to consumers. We can see that prices over time should fall as a result of getting the burden off people's electricity bill, because 30% of their bill today at their house and their business is simply debt servicing charges.

It has always been serviced. As I said, Hydro's never missed a bond payment. There's \$32 billion worth of bonds out there. They've never missed a payment and they've never missed a payment in any of their operations. So for someone to say that there are new charges or for the Municipal Electric Association to say rates are going to go up X per cent, they simply aren't making the case to back up those statements, and when asked to present that case they simply haven't been able to do so over the past several months.

For the most part, though, I'd like to thank the local utilities. They're going through a significant change, just like Ontario Hydro; the monopoly parts of their business will be separated as Hydro's will. I want to thank the environmental groups and then I'll thank the unions in a minute. Many of the environmental groups in the province, Energy Probe and others, have been extremely supportive of this legislation.

To think that those great inventors over the years who came up with ways to generate electricity through biomass or through solar power or wind power — it was illegal for them to sell that to willing customers, because Ontario Hydro and the local distribution companies, the local municipal electric utilities, had a monopoly on the wires. Yet we all paid for those wires, and there's a lot of consumers out there that want green power.

They want power, and they're probably willing to pay a cent or two per kilowatt-hour for power that comes from sources other than the fossil fuel sources, which we know create a great many emissions into our air that aren't good for us. Even though Hydro has met all its statutory and voluntary emissions standards, which are the toughest in the world — and they deserve full credit for that — it still would be nice to see a healthy green power, an environmentally friendly industry, be encouraged in this province. This legislation allows that to happen, because people that generate green power will be able to get their power now to their willing customers.

Second, I want to thank the unions as I wind up. We've had tremendous response from John Murphy and the Power Workers' Union. He has taken a very responsible approach. I think that the Power Workers' Union realizes, as much as anyone, that the days of a big monopoly

functioning relatively inefficiently are over. They know prices are high. They know that all our jobs in Ontario depend on what we do through this legislation in getting prices down, that future jobs in the province depend very much on this legislation. The Power Workers' Union themselves, not the government, have been taking out newspaper ads and running media spots about private-public partnerships.

We have at least one party in this House that always dismissed partnerships with the private sector. It's the big evil. We saw it again in question period today. Yet we have a very responsible union out there which represents people in well-paying jobs, Ontario Hydro jobs, which says that, "No we can't keep going back to the taxpayers through the debt guarantee for more and more money to pump into this monopoly," that we should get business-like, and that the way to get business-like is to have the discipline of the market through a competitive structure.

They fully embraced where we're going and we thank them for that. I thank them for that involvement. In fact, that union is such a pleasure to work with. We've seen recently that the whole nuclear asset optimization plan obviously won't work without the employees' cooperation and embracing of that plan and we've seen flexibility between the union and management being able to move workers from Bruce to Pickering and Darlington, so we can bring those plants back up to world excellence and then begin to work on bringing back Bruce, depending on market conditions, after the year 2000.

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I'll wind up just by talking about the new vision for Ontario Hydro, because there's a lot of doom and gloom out there when you talk about this industry. I pointed out earlier that it served us very well for 92 years and that it indeed has a very bright future. Clearly Ontario Hydro has admitted, because it holds such a large part of the generating market — almost 95% of the generation in the province is done by that monopoly right now — it will have to give up market share in order to address the issue of market power. In other words, it will have to give up part of the market so that new generators can come in on a level playing field and compete with it.

What is Ontario doing? It's aggressively looking to the northeast United States. With restructuring introducing competition in the US market, you'll see probably over the next 10 years amalgamations of many of the generating companies. In fact, you almost see it daily when you read in the financial press in North America of the deals that are being worked out between different companies. It's expected that about 10 years from now, over the next decade, there will be 15 or 16 major generators in the US and in North America. Ontario Hydro wants to be one of those major players.

As a shareholder in Ontario Hydro, we don't talk about privatization because, first of all, that company needs a number of years, and the successor companies will need a number of years, to get their value back up, to enhance their value. Ontario Hydro is a badly devalued and demoralized entity right now. We do not want a fire sale

so we are not talking about privatization. We are talking about introducing competition and commercializing, making sure that the new successor companies have to, by law, act in a prudent manner and in a business-like manner.

But one of the reasons we're not talking about privatization is my dream for Ontario Hydro is that, once again, it will begin to return a healthy profit back to the shareholder — and the shareholder is the people of Ontario — and that money in the future could be used to either lower electricity rates again or, once the debt is paid off, clearly that's money that could go into general revenues that can support health care and education and other priorities that the government of the day might have. That's one vision of where the money should go once Ontario Hydro is again a major player in the North American market.

However, people should not underestimate Ontario Hydro's ability to be a major player in North America. They clearly have a plan that they're putting in place and they're sharing with their employees that, as they give up market share in Ontario, they will capture new markets, beginning in the northeastern United States. It's very possible beginning almost immediately, because Hydro's price vis-à-vis the northeast United States is a very competitive price for electricity.

We're not competitive vis-à-vis Quebec right now where there's about a 30% advantage because they have the natural advantage of hydroelectric power and we have mostly nuclear power. On a good day 50% to 70% of the power is provided by nuclear power. It's great power and it's environmentally quite clean with respect to emissions, but it's expensive to get on line and to maintain. But once it gets going, nuclear power provides us with a clean, efficient and safe form of electricity.

When the plants are running well, and they will be again, Ontario Hydro will be very competitive in the US market, so that's where they're headed. They're going to need all their employees, and I bet in the future they're going to need more employees. In fact, they're starting to hire back former employees right now to bring them back up to world excellence in the nuclear division.

I don't think we're going to see the big layoffs the NDP were talking about on a talk show recently. Clearly they're going to have to sharpen their pencils, clearly they're going to have to become more efficient, but at the end of the day North America is their market and they will always have a mandate to serve the people of Ontario first. But if successful in the North American market, not only will it help to eliminate past debts and mistakes, it will return, we hope, very healthy profits back to the people of Ontario who after a few years of not seeing a return from Ontario Hydro probably deserve to see their investment improve and get a dollar return back on that.

I will yield the floor now to my colleagues. I want to thank members of this House, though, from all sides for supporting the bill on first reading. We ask for your support on second reading today and tomorrow and we look forward to committee hearings for a couple of weeks



in August. I thank all members for their cooperation and for sharing in our new vision for a competitive energy market in this province.

**Mrs Helen Johns (Huron):** It is with great pleasure that I join the debate today. This is a very important and probably very necessary day to happen in the province of Ontario.

I would first like to say that along the line many people thought that this day wouldn't happen in the province. They thought it would take too long to put this act together, that there would be too many things that would come into play and that we wouldn't be able to move forward.

Today I would first like to say congratulations to the Minister of Energy, Science and Technology. He's done a terrific job to move this process forward. One of the things I've been amazed at as I've watched him go through this process is the number of stakeholders he's dealt with over the period. He has been able to get commitment from these stakeholders, he's been able to get these stakeholders involved in the process and he's been able to glean support from the stakeholders. That's a very important process that has happened with this bill.

When we talk about stakeholders, I think it's important for the people at home to recognize that there are a number of stakeholders involved. There are people who use hydro every day. You and I as residential consumers use hydro every day when we turn on the switch in our homes. There are commercial enterprises and industries that also use power on a very large basis in Ontario. We had many of those large users of power at the table.

There are also people who produce electricity in the province who were at the table. Not only does Ontario Hydro produce that electricity that is there when you turn on the, but there are also small generators that produce power in the province, and they were at the table. We hope that in the future there will be many more generators who will work to produce electricity in very many different ways, and they were at the table as we came up with this bill.

There was also, as the minister suggested, the environmentalists, who are concerned about where this province is going in the future and how we can leave for our children a province that is environmentally strong, that's healthy and that allows them opportunities to get jobs and live a healthy existence in the future.

Then there were also the unions. The unions came to the table because they recognized that change had to happen in the electricity sector for the labour force to grow and maintain jobs and prosper, and so they were there.

We also had municipal electric utilities at the table. They're part of the change. They have to look at how they're going to change for the people at home, to bring the power from Ontario Hydro to our doorsteps and to our light switches. They're there and they're a very important part of this industry. They are going to change to work with us to make the electricity market a very exciting market.

Along with the municipal electrical utilities are the municipalities themselves. Many of those own the transmission lines, the lines we see going down our roads and in our cities. They have some concerns about how that transmission line will be funded and the revenue they'll get from that, so they were at the table.

We've had an incredible process of bringing people together. All of these stakeholders have put aside partisan interests, they've put aside things that are important to them and said, "How can we best work together to be able to find a solution to take our electricity sector into the 21st century?" They have done a terrific job, and for that I really want to say thank you today

#### 1540

From those different groups I just talked about what came together was a group of individuals who formed two very important committees within our process. The first committee, which the minister talked about earlier today, was headed by Dr Ron Daniels. That's called the Market Design Committee. Their goal is to come up with ways to design this market so that it works efficiently in the future and moves us forward. They are thinking about things that you and I would never think about on a day-to-day basis. They're coming up with creative ways to work around problems that exist and they're coming to a semblance of consensus which allows us to move forward.

The second group, which I've been very impressed by, is the Minister's Electricity Transition Committee. They have tried to find ways to facilitate the process. They're going to be very important as we're in this transition period between the monopoly, as we see it in electricity today, and the competitive market in 2000. They're going to be there to help us through that period as we come up with issues we haven't thought about.

One of the things that I think made me sit back and really think the other day was that we had an electricity transition committee meeting, which I chaired. The vice-chair was reporting to us from the Market Design Committee. What he said to us was that as he made decisions every day about the future of electricity and how the market should work in the province of Ontario, he gave them a litmus test. The litmus test he gave every decision that the Market Design Committee made was: What would my mother-in-law in Guelph think about this decision? How would this affect her? Would she understand it? What does it do to bring power to her house?

I think it's very important as we go through many technical aspects of this that many of us who just flick on the switch don't understand. It's important for everyone to be thinking about the consumer at home and how that affects them and what services they receive as a result of the decisions. I was warmed by that. As we move through the process we're going to be very concerned about how this affects the consumers and what we can do to protect the consumers and what we can do to bring the consumers benefit. That's the direction.

One of the things that also has given some people in Ontario some confidence that we're going to be very concerned about consumer protection is the appointment

of the previous member for Nickel Belt. He sat on the select committee on Ontario Hydro with me and a number of my colleagues. He is very concerned about the future of electricity in the province and understands many of the problems and dilemmas we're dealing with with respect to electricity. One of his major roles, of course, as the chair of the Ontario Energy Board will be to ensure that consumers are protected and that they receive the best value they can.

Just to go back a little bit, I would like to remind the viewers at home and the people in the gallery today that this has been a long, long process. We've seen, as the minister mentioned, Hydro evolve over 92 years. We've also seen a number of select committees that have come through this House to say how we can make the process better.

I always like to tell my friends and neighbours that many years ago the Premier of the province was in my position as the parliamentary assistant to the Minister of Energy. He looked at the process that was going on at that time in electricity and so he has a very strong knowledge about this process. As a result of that knowledge from being in the Ministry of Energy for about a year, he put into the Common Sense Revolution some documentation about how Ontario Hydro needed to change and move forward. The Common Sense Revolution first told us that we were going to make some changes to Ontario Hydro. The minister then came out in November with the white paper and then the legislation came out in the last week or two.

This is enabling legislation to let the market evolve. We're now looking for input and consultation with the people and the stakeholders and the consumers so that we understand exactly where we're moving in the future.

One of the things I want to speak very clearly about today is the bill itself. The bill is broken into four sections, and the first schedule or section is the Electricity Act. In that section we talk a lot about how the market should look in the future.

The second section is the Ontario Energy Board Act. In this section we review how that board will work in the future, will bring customer protection, will have some powers that will make sure that everyone in the province is being treated fairly and that we're moving towards a system that is fair and equitable.

Then there are two other sections, one being the Ontario Municipal Employees Retirement System Act, and the fourth section being other amendments and appeals.

As a result of the Ontario Hydro name, we've had to change a number of bills that have mentioned the name Ontario Hydro in the past.

So it's quite a daunting bill, but it is enabling legislation that allows us to move forward to introduce competition into the marketplace, and that we intend to do by 2000.

Today I wanted to talk about consumer protection, because I think that what's important for people at home to know is that this market isn't going to change

substantially in their view as they turn on the switch at home. I want to talk about that. One of the things that has happened in the past is that we have been dealing with gas and we've had some issues about how we purchase gas. It's important today to look at exactly what we're going to do with respect to the Ontario Energy Board and how that's going to affect the consumer in Ontario.

Some of us, because we turn on the switch and the electricity comes on, may say, "Why are we making a change?" There are two major reasons for that change to be coming about. One is that this large monopoly has been providing power in the past, and in the future there are going to be very different ways that electricity is going to be provided. We need to create an opportunity for business to be able to come forward and bring us that power. We need to create that opportunity for people, so we need to create competition, because we believe that competition is going to bring us the lowest possible price to the consumer.

We also believe that Ontario Hydro in the past has had some difficulties. Some of those difficulties are a result of different visions that they've had; others are a result of different governments being involved. In the select committee, we found that there was no one reason or no one to blame for the debt that's in the province, that all parties and all governments had some responsibility to it.

The key issue right now is to move forward, to stop that debt from increasing. Right now people estimate that the debt is somewhere around \$32 billion in Ontario Hydro. We have to move to be able to reduce that debt so that the youth of this province are not laden with that debt in the future, with their cost of electricity going through the ceiling. We have to be very careful about debt.

Right now in Ontario what we have is the third-highest electricity prices, as the minister said. The average household pays approximately \$1,000 per year for their hydro. What we want to do is insure that we can reduce those prices to the best possible advantage of the consumers so that they receive all the benefits that may come from introducing competition into the marketplace.

In the Ontario Energy Board bill, we're trying to ensure that the consumer is adequately protected against any unfair business practices of both gas marketers and, in the future, electricity marketers. What are we doing to be able to protect the consumer in that case? What we're saying is that marketers have to be licensed. They're going to be licensed by the Ontario Energy Board. The Ontario Energy Board will be able to ensure that marketers are financially sound, they're responsible to the consumers, and they understand that they have a responsibility to care for the consumer. The Ontario Energy Board will be in charge of that.

The second thing that the Ontario Energy Board will be providing will be a code of conduct for people in the electricity market and in the gas market. What we're saying there is that we're going to come together, all of the stakeholders, to look at a code of conduct that makes consumers be protected in Ontario. That's another way we're protecting the consumer.



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There are also going to be serious penalties if a marketer or someone working in the electricity industry does not comply with the regulations. No longer will it be a \$500 fine; there will be substantial penalties, and the ultimate penalty of course would be that they can't be in the business at all and can't be licensed. We are providing more protection there and we will certainly work to strengthen those protections as we move through the two-year process of coming up to a competitive marketplace.

The board is also going to have some investigative powers. Those powers will ensure that parties are operating in accordance with the licence requirements they have and that no one is operating without a licence. We're going to ensure that everybody is working towards this consumer protection, everyone is following the rules, everyone is doing what they said they were going to do, and we'll have investigative powers to ensure that happens. That's important for the consumer to understand.

The other thing that's important to understand is that whenever this change happens in 2000, if you don't make any choices, you won't turn on the switch and have no power come on. What will happen is that the person who is supplying power to you right now will continue to supply power into 2000. We will have made the municipal electric utility the default supplier that is responsible to ensure that every Ontarian has power.

The Ontario Energy Board will be there, in case of any difficulties along the road, to ensure that this process works smoothly. But it is our commitment to the public that this process will be transparent, and if people don't want to make decisions, if they want to just stay where they are, they will be able to do that. In my own household, we haven't made any kind of change with our gas supplier or marketer, we haven't made any changes with our telephone company, but I know other people who have spent the time and invested their knowledge into finding good suppliers, and that will be your opportunity again when it comes to electricity.

In my final minute or two, I would like to say that from here on we're in the process — and in the past too, I suppose — of consulting. We have put this document out and we're hoping that many people across the province who are interested in this process will write to us and talk to us about things they like in the bill and things they would like to see changed. We think this is a very important time for people to get involved in the future of electricity in the province.

We also will be going out in committee for a couple of weeks at least in August, and it's our intention to speak to as many people as possible. I would like people to also recognize that of course the telephones and the doors are open at the Ministry of Energy, Science and Technology, to be able to contact us with any concerns they have with respect to this bill.

It is very important for us that people recognize that we believe we're moving forward on a very important issue but we're moving slowly and carefully to ensure we have as much input from stakeholders and consumers as we

possibly can. To do that, we need people to become involved, so we ask the people of Ontario to become involved, to become informed on this issue and, if they have any comments, to certainly send them to us at the Ministry of Energy, Science and Technology.

**Mr Doug Galt (Northumberland):** I am certainly delighted to be able to address the Legislature on Bill 35, the Energy Competition Act. The people of Ontario have long enjoyed a high standard of environmental protection. This government will continue to uphold and improve upon this standard while giving Ontarians the benefit of a more efficient and competitive energy sector. These goals are not mutually exclusive. This is not an either/or proposition.

**Mr Wildman:** They didn't say you were doing such a good job.

**The Acting Speaker:** The member for Algoma, please. Order.

**Mr Galt:** The Minister of the Environment has been, and will continue to be, closely involved with the development of the Energy Competition Act. This is part and parcel of the Ontario government's commitment to ensure that strong environmental protection measures are built into the design of a competitive electricity market in Ontario. This commitment was made in the white paper, and we will not deviate from it.

In tandem with the development of the Energy Competition Act, we will implement and ensure that strong measures are in place to protect the environment. Specifically, regulations will be developed to cap smog and acid gas emissions for all Ontario electricity generators that supply power to Ontario. The smog regulations will take into consideration Ontario Hydro's voluntary limit for nitrogen oxide, a major smog-causing pollutant.

We will ensure that Ontario Hydro's voluntary commitments, including those for greenhouse gas emissions, are met. We will continue working with the federal government and other stakeholders to develop a sustainable national plan to reduce greenhouse gas emissions.

We will develop strong emission performance standards that will apply to all generators wishing to sell in the Ontario electricity market.

Further, we will develop an emissions reduction trading program to provide incentives to companies that achieve emissions reductions above and beyond regulatory requirements as well as providing a cost-effective, flexible means to meet stringent environmental regulations.

We will develop a regulation to make certain electricity sector activities are subject to the stringent requirements of the Environmental Assessment Act. This will promote a level playing field and ensure environmental protection.

Also, we will work towards achieving opportunities for greater use of more efficient, environmentally responsible technologies and accelerate the use of these technologies.

Finally, we will ensure that electricity customers can obtain the information they need if they want to buy the most environmentally responsible energy.

This will be an open process. We will consult with the public and all stakeholders as we develop these measures.

All sectors must help in the effort to make these measures the best possible protectors of Ontario's environment.

I would now like to take just a few moments to go into more detail on a few of these areas I have just mentioned.

First, regulations to cap smog and acid gas emissions from electricity generators: These regulations will allow us to set limits for the total quantities of smog- and acid-rain-causing pollutants released into the atmosphere from electricity generators. This approach has been successfully used by the ministry to reduce acid-rain-causing emissions by some 70% from major sources. As already noted, these regulations will take into account Ontario Hydro's voluntary limits for nitrogen oxide. We will ensure that Ontario Hydro meets its other voluntary commitments, including those for greenhouse gas emissions.

Second, emission performance standards: We will set these standards, which will apply to out-of-province companies wishing to sell electricity to Ontario customers. If these customers want to be part of our market, they will be required to meet our standards.

Third, emissions trading: Emissions reduction trading has great potential as an incentive mechanism. The legislative changes necessary to allow emissions reduction trading are being introduced as part of the Energy Competition Act. Emissions reduction trading will provide incentives to companies that achieve reductions above and beyond regulatory requirements. We will work with stakeholders in developing a trading program that is fair, flexible and allows participants to cost-effectively meet environmental requirements.

Emissions reduction would allow the government to stick with its appropriate role, the setting of stringent standards for environmental performance, while empowering the market to find the most effective and efficient means of achieving those standards.

Emissions trading was endorsed by the Kyoto Protocol and is being used more globally to provide incentives to industries that achieve reductions above and beyond the regulatory requirements. Here in Ontario we've already had some experience with this through PERT, the pilot emissions reduction trading project. Since its establishment in August 1995, PERT has shown us that emissions reduction trading can be a cost-effective approach to achieving emissions reduction above and beyond the regulatory requirements.

Of course, the bulk of experience with emissions reduction trading in North America comes from the USA. In southern California, the Regional Clean Air Incentives Market, acronym Reclaim, a cap-and-trade program for nitrogen oxides and sulphur oxides which contribute to acid rain, has consistently exceeded its emissions reduction objectives at lower cost than expected over the past four years.

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A pilot trading program for oxides of nitrogen, acronym  $\text{NO}_x$ , and for volatile organic compounds, acronym VOCs, in the northeast states proved that abundant low-cost emission reductions were available in the airshed upwind of Ontario and that trading could reduce total emissions.

This group has recently launched a similar pilot program to demonstrate trading of greenhouse gas emissions.

Michigan, Connecticut, Massachusetts and New Hampshire have implemented effective trading schemes for acid- and smog-forming gases. The United States Environmental Protection Agency has also written model trading rules for air pollutants which can be adopted by individual states.

We believe Ontario must explore this practice as part of the mix of tools we use to protect the environment. We will look closely at what other jurisdictions have done and consult with the public and stakeholders in developing programs that are appropriate for Ontario.

Fourth, the designation of certain electricity sector activities under the Environmental Assessment Act: This will promote a level playing field and ensure continued strong environmental protection. Ensuring a level playing field for all players is indeed at the heart of a competitive electricity market. The government will take steps to ensure that all proponents face the same rules for environmental approvals.

The thresholds for determining what gets designated under the Environmental Assessment Act will be based on the size, technology and expected environmental impacts of a project.

Recent changes to the Environmental Assessment Act have resulted in many improvements to the process. I was very pleased to be involved in this particular bill. There's tremendous feedback on how successful it has been.

In this process, first, the new terms of reference provision allows for clear, early direction and public input to the process; second, mediation provisions provide for early issues resolution; third, regulated time lines for each step in the process are planned to ensure faster turn-arounds for decisions and a less costly process; fourth, provisions allow the minister to set time frames for hearings and focus on outstanding environmental issues only; fifth, provisions allow the minister to harmonize the environmental assessment requirements with other jurisdictions so that a project undergoes only one assessment.

All of these improvements together add up to a timely, efficient, consultative program focused more on environmental effects and less on process. In developing a new regulation to respond to a competitive electricity market, the Ministry of the Environment will have the benefit of these new features as well as an opportunity, through consultation, to identify additional improvements.

We will also provide a framework to support opportunities for greater use of more efficient, environmentally friendly technologies and accelerate the use of these technologies. Requiring emissions disclosure and developing an emissions reduction trading program will certainly assist in this.

Our commitment to ensuring strong environmental protection measures goes hand in hand with our commitment to reinforce a fair, equitable and level playing field for all participants in an open electricity market. As additional protection for the Ontario energy consumers, we plan to develop a pollution disclosures requirement to



ensure that electricity customers can obtain the information they need to understand the environmental implications of their purchasing decisions.

I believe the Energy Competition Act presents many opportunities to give the people of this province greater access to less costly electricity while also ensuring that Ontario's environmental needs are met. Abundant and reasonably priced electricity must go hand in hand with a well-protected environment to create healthy and prosperous communities. The Energy Competition Act will help meet these goals, which I know are shared by all the members of this Legislature.

In winding up and closing, I'd like to re-emphasize some of the changes in the regulations.

First, regulations will be developed to cap smog and acid gas emissions for all of the Ontario electricity generators that supply power to Ontarians. The smog regulations will take into consideration Ontario Hydro's voluntary limits for nitrogen oxide, a major pollutant in Ontario.

We will also ensure that Ontario Hydro's voluntary commitments, including those for greenhouse gas emissions, are met.

We will continue working with the federal government and other stakeholders to develop a sustainable national plan to reduce greenhouse gas emissions.

We will develop strong emissions performance standards that will apply to all generators wishing to sell in the Ontario electricity market.

We will develop an emissions reduction trading program to provide incentives to companies that achieve emissions reductions above and beyond regulatory requirements, as well as providing a cost-effective, flexible means to meet stringent environmental requirements.

We will develop a regulation to make certain electricity sector activities are subject to the stringent requirements of the Environmental Assessment Act. This will promote a level playing field and ensure environmental protection.

We will also work towards achieving opportunities for greater use of more efficient environmentally responsible technologies and accelerate the use of these technologies.

Finally, we will ensure that electricity customers can obtain the information they need if they want to buy the most environmentally responsible energy.

Certainly it has been a pleasure for me to be able to be part of the Hydro select committee last fall to examine what Ontario Hydro is doing. I can look at this bill and read this bill and see where the Minister of Energy, Science and Technology, along with the parliamentary assistant, has worked on this bill and has brought forth a bill essentially right around what was being discussed by that Hydro select committee. Certainly it's been enhanced by the discussions and consultation that they have had with stakeholders, which is the hallmark of this government, as we spend a lot of time consulting with stakeholders, not only listening to their advice and their recommendations but also responding to their concerns. In this particular bill, Bill 35, that is front and centre as you go through it.

There's no question as we look at the price of electricity over the last decade, going from being the cheapest electricity in North America to being one of the most expensive — and I certainly recall a couple of years ago hearing from the Ford Motor Co. They make cars in some 17 regions in North America and they were showing where back in 1984 or 1985 they had here in Ontario the cheapest electricity to produce cars. They had by 1995 dropped to either 13th or 14th in those 17 regions, indicating that Ontario was no longer as competitive as it had been back in 1985. It was through the lost decade that we experienced in that period as we slipped behind and lost jobs. It's great to see in the last three years how we've been coming out of that particular lost decade and finding all kinds of new jobs.

Looking at Ontario Hydro, this particular bill is going to get us back into the competitive position where Ontario should be, Ontario as the engine that drives Canada. It's been unfortunate that we've slipped in that position, but I can assure you that within just a few years we're going to be the engine of North America. We're already back into the position as the engine for the Canadian —

**The Acting Speaker (Mr Bernard Grandmaitre):** Questions and comments?

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**Mr Bruce Crozier (Essex South):** I want to say, as we begin the debate on this Bill 35, that without question I think we could get agreement that this is going to be one of the most major pieces of legislation we're going to have dealt with in this Legislature in many years.

I hope that during the debate we hear from all sides the pros and the cons about Bill 35. I would ask the government particularly, in their consideration of this legislation, to keep in mind that the line-up of vested interests is going to be as long as the hydro distribution lines in this province. I hope that at the same time this government moves along with its lobbying legislation — there's going to be a huge amount of money spent on lobbying over this issue and we have to be sure that's totally aboveboard and that all the interests, all the shareholders, being the residents and businesses of Ontario, have an opportunity to have equal input and equal access to suggestions that will be made to this bill.

I also hope that when this comes about — and I think it will; there's little doubt about that — there are strict marketing regulations and guidelines so that when the people of Ontario are given these choices, the choices are made on a basis that's well informed, and that all those who are competing for the interests and the dollars of the residents of Ontario have their message be clear and fair so that reasonable choices can be made.

**Mr Wayne Lessard (Windsor-Riverside):** The Minister of Energy in his remarks talked about how important it is for us to ensure that we give consumers the best break we possibly can with respect to hydro rates. That's not something that any of us in this room can really disagree with. However, there may be differences in approaches in terms of how we do that.

He mentioned some of the savings that could be achieved to bring about some of these lower rates. He mentioned the amalgamation of the six municipal electrical utilities in the Toronto area and the efficiencies that may be achieved. But none of that is dependent upon the bill we're debating here today.

He says this bill won't bring about any additional financial burdens on to the generation of electricity. One of the things we need to keep in mind are things like clean-up costs or the decommissioning costs for nuclear reactors and how that's going to affect the calculation or the amount of the stranded debt or the residual stranded debt.

Something else that may affect the financial burden is debt interest costs that are artificially low at this time because of the government's guarantee of the debt, which also may increase because of the breakup of Ontario Hydro. The bargaining position for these large loans they've been able to obtain may not be there. New companies negotiating for loans may have to pay higher rates.

He says we need to have a competitive structure; that's something we do need, but we can have that with public sector involvement.

**Mr W. Leo Jordan (Lanark-Renfrew):** This is a very special two minutes for me, to have the opportunity to first of all congratulate the Minister of Energy. I think it's amazing, the speed at which he and his staff, along with the chairman of Hydro, have been able to bring this whole thing together, in such a very professional and exceptionally well-presented way that we not only have the municipal utilities across the province but we have the unions who represent the Ontario Hydro and the utilities all understanding the need and all very appreciative of the work that has been done to date.

I really appreciate having the honour to serve with the minister on the transition committee. Again, there I found it really amazing, the amount of work that has been done by that committee, and they made no hesitation in getting the best people available as advisers to assist on that committee.

There's just one thing I want to say also in this short time. I haven't heard the term "Hydro-Electric Power Commission of Ontario" mentioned at all. It's Ontario Hydro. For me, the Hydro-Electric Power Commission of Ontario was really the body that electrified this province.

Of course, as time went on many changes were required. The corporation was formed and the name then given was Ontario Hydro. But the service to the people, to the customers, is certainly something we're going to have to guard and —

**The Acting Speaker:** Thank you. Time has expired. Minister, you have two minutes to wrap up.

**Hon Mr Wilson:** I want to thank the member for Essex South, who talked a bit about lobbyists. The only thing I'd say to the member for Essex South is that I keep reminding Ontario Hydro that they don't need lobbyists because the chair, the president, the CEO and I as energy minister meet regularly. So they don't need to keep hiring lobbyists, if that's what they're doing, although some of the names of these lobbyists I'm supposed to have met

with I haven't seen for almost a year. Don't always believe everything you read. I'll tell you, even though this is a huge \$10-billion sector, there are a heck of a lot fewer lobbyists than when I was health minister. From all sides you've got lobbyists every day.

I also want to thank the critic for the NDP from Windsor-Riverside. He's bang on in his comments about the devil being in the detail. We're all looking forward to the first part of July, when the Ministry of Finance and its financial experts peel back some of the cobwebs that have been in Ontario Hydro for a long time and we find out exactly what our liabilities and values are there and get us well on the road to figuring out what the stranded debt might be so we can get it paid off.

My colleague from Lanark-Renfrew, thank you very much. Mr Jordan, prior to being elected to this House, had just over 30 years' experience with Ontario Hydro, so he knows of what he speaks.

**Mr Sean G. Conway (Renfrew North):** Careful. Those are the bad old days.

**Hon Mr Wilson:** The honourable member from the other part of Renfrew, Mr Conway, talks about those being the bad old days, but I don't think they really were. We had 30 years. Ontario Hydro served us well for most of its 92 years. Yes, it has made mistakes. I know the Liberal critic is probably about to give us a wonderful history of all those mistakes, and all three political parties are to blame. Not to dismiss any of that; we should know our mistakes and learn from them, but we are on to a new road here, a new vision for Ontario Hydro as a public corporation and a new vision for the electricity sector. I thank everyone who has worked so hard to get us to this point.

**The Acting Speaker:** Further debate?

**Mr Conway:** I'm pleased to join the debate this afternoon on second reading of Bill 35, the Energy Competition Act. I want to say how much I enjoyed the previous remarks, including those of the minister and my colleague from Lanark-Renfrew, about whom the minister is quite right. Mr Jordan has laboured long and productively in this particular vineyard.

I want to disabuse the minister of his sense that perhaps all I came to do this afternoon was to recite some of the history, but I am going to talk a bit about some of the past, because quite frankly I'm here today to support in principle Bill 35.

My colleagues and I have looked at the whole situation and we recognize and have said previously that we are not happy with the current situation in which we find ourselves. We have come to recognize that competition and more transparent and rigorous regulation are absolutely essential if we are going to move forward in a productive and positive way. So I repeat that my colleagues and I, because we support those principles of competition and a more rigorous and transparent regulation, will this afternoon be indicating our support in principle for Bill 35, though I must say there are important aspects of the bill and the policy which undergirds it that



give us a great deal of concern. The minister just a moment ago blithely referred to one of those.

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We are asked this afternoon, or this week or before next week's adjournment to support this bill and the enormously important and complex policy that it brings forward, without critical information. I said to one of my colleagues in caucus yesterday that this, at one level, is like going to the bank and being asked by your banker to sign a mortgage document without knowing what the rate is going to be and what the amortization period is going to be. That, at a certain level, represents a contempt of the Legislature.

I understand that there are some very difficult and complex issues and I want to join others in saying I recognize the hard work the minister has expended to date. It must not have been easy. But we have critical issues yet unresolved and not even advertised in some respects. The Legislature is being asked today to do what it's been asked to do on so many previous occasions where the electricity issue has been raised, and that is basically, "Vote now and pray for a good and happy result."

Unlike other people I can say I've been in a situation here where I've been asked to do that before. When Jim Wilson was in short pants, I was here listening — it's true — to the speeches being made 22 years ago by very committed public people who said: "Listen, this is the new plan. Trust us. We can't go wrong."

#### *Interjection.*

**Mr Conway:** Well, born in 1963 — you were 12 when I got here. The parliamentary guide may be wrong. But we've been asked to do this so many times before. I've only got an hour, which for me is not a great amount of time.

I want to say again that my colleagues and I support the principles of competition and more rigorous regulation of the electricity and energy sector. This policy is being advertised as the new religion that will give real and measurable benefits to everyone — that's the promise and that's the new religion: the competitive marketplace — and it will give equity of result to everyone. Who could be opposed to that?

Let me tell you it is the new religion. It is the new religion across North America and much of Western Europe. But when I hear a policy advertised with such unanimity and with such theological rigour, I say to myself, "Have I ever heard this before?" and I have. Do you know what? The performance was well short of the promise. It was abysmal. The member from Humber is absolutely right.

Let me say to the Legislature and to those watching, particularly my friends at AMPCO, who have a very legitimate argument — that's the Association of Major Power Consumers in Ontario, very good people. The nuclear commitment on which this province entered 35 years ago, and which I have supported more openly and more shamelessly than many of you, and a commitment that fundamentally changed Ontario Hydro, was none the less a commitment openly, continuously and joyfully

supported by big government, big business and big labour. They sang as one voice out of one hymn book. Today many of those people want to forget and have forgotten that they ever assented with such vigour and such a lack of critical oversight to a commitment which, at least in the degree to which it changed Ontario Hydro, created much of the problem we've had in the last 30 years.

There is buried away in the public archives of Ontario some very interesting material in the Leslie Frost papers, where the sage of Lindsay was talking to the then chair of Ontario Hydro about his concern with not only the technical complexity of the nuclear commitment, but the capital requirements and what it would do to further exacerbate one of the long-time problems, namely, how would a Legislative Assembly and a government of laypersons ever exercise meaningful control over a public utility that was going to be increasingly nuclear. That was Leslie Frost's concern 40 years ago, and it turns out to have been a very legitimate concern.

Not to spend too much time — the minister talked a bit about Adam Beck. I want to just simply say a couple of things about the Beck vision, most especially, where did Beck come from? What was it that created the environment in which he could become so enormously powerful and effective as probably this province's greatest business-centred lobbyist and public activist? I'll tell you what it was, very simply.

At the turn of this century, small business people with names like Snider and Detweiler and Beck, the cigar box maker in London, and those other gentlemen in places like Waterloo and Cambridge recognized the enormous significance that this new white coal, electricity, would play in the economic life and development of this province. They were absolutely terrified that control over this vital new commodity would fall into the hands of some of the most dubious capitalists that Canada had ever produced, by the names of Mackenzie, Nicholls and Pellatt.

They were terrified, and rightly so, because the arrogance and the insensitivity of people like William Mackenzie running the Toronto railway company and Nicholls running the Toronto electric company would scare the wits out of anyone. It was one thing that they had control of a municipal electric lighting franchise or a municipal transit system, but if they ever got their hands on this white gold, people in Preston and Hespeler and Galt and London would be badly disadvantaged. It was that fear that created the political environment where Adam Beck developed his fame. The expectation is that those days are gone forever. I hope so, because my belief is that if private power interests or private financial interests would turn to some of those instincts, let me tell you there will be a retribution and there will be a new Adam Beck.

I want to say as well that there's been a lot of misinformation about the place in the last while about Hydro's 92-year monopoly. It didn't have a monopoly in the beginning on generation. It was never intended to have a monopoly on generation. What it had was a monopoly on transmission. But there was a lot of private power in the pre-World War II era. Interestingly, Ontario Hydro

came to own a lot of it that it never intended to own, because the market behaved in a fashion that was unexpected. Because this commodity is so vital and because it touches on every aspect of our economic and social wellbeing, it has a political power unlike just about any other commodity, particularly in a large northern expanse like Ontario, where you've got winter five months of the year.

It's interesting, this energy debate. People sometimes talk about Ontario like we were southern California or Great Britain. I'm going to tell you, stand at the corner of the main street in Chapeau on a January afternoon and ask yourself if you feel like you're in London or in Palo Alto or in Phoenix. I don't say that lightly.

People say, "Take the politics out of Hydro." Well, we are now embarked on a new course, and again I don't want to particularly bore the minister, but have we had private power before? Absolutely. Was all of it bad? Certainly not. And I wasn't responsible for the monolithic, monopolistic generating utility that Ontario Hydro became. That was a very serious mistake, and it was made decades ago. The nuclear commitment only exacerbated it.

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We've had private power before. I'm going to tell you, among other things, it has given this province, I would argue, its greatest political scandals. I won't bore you with the details, but there should be a book in the library and I would recommend it, for those of you with an interest. It's 200 pages, published a few years ago by the University of Toronto Press, called *The Beauharnois Scandal*. It's the story of a remarkable private power development and a remarkable engineering and financial feat. Our own Bob Sweezey from the Kingston area was the proponent. He was a Quebecker but he went to Queen's University, so I guess I can say —

**Hon Rob Sampson (Minister without Portfolio [Privatization]):** Two great places.

**Mr Conway:** The interesting thing about this is that a certain government of the day — it's the scandal that smeared three premiers of Ontario and three prime ministers of Canada and very nearly ended the public life of the sainted William Lyon Mackenzie King. It's very bipartisan in its view of how the politicians behaved in this private power market. There's a very interesting story in here about how the proponent of Beauharnois complains bitterly about Howard Ferguson, Premier of Ontario, on the eve of the 1929 election, demanding \$325,000 worth of toll, which he got apparently: \$125,000 for the party, which was about to enter the 1929 election campaign, and \$200,000 that apparently went elsewhere.

People say, "That's that, that's history." Well, probably it is. But as my colleague from Leamington said a few moments ago, I do not know of a public policy which opens the door to more lobbying, more hucksterism than this. To test that theory, all I have to do is look at what's been happening south of the border just this spring. The Connecticut state Legislature has, just a few weeks ago, been involved in this very process. Wonderful articles in the New York Times about what's been going on down

there. I will just read one from the New York Times, Sunday, April 18, 1998:

"The idea of ending electrical utility monopolies and opening the \$200-billion US electricity market to competition is a national policy craze. While no one is sure how it will work, one thing is certain: It's a gold mine for lobbyists."

What makes the bill such a magnet for lobbyists? Simply because it touches on so many moneyed interests. Their ethics office, which of course does things we haven't got here, has the obligation to tell the people of Connecticut what's going on. By the way, all of the lobbying is going on during the process of the bill's passage. The ethics commission in Connecticut reports that there is at least \$1 million worth of lobbying fees being paid out by groups as varied as Hydro Quebec and power companies in Pennsylvania. Every lobbyist imaginable has been down there working the legislature and working the phones. There's a great story in this about how somebody actually phones one of the Democrats who is involved in this legislation to ask a specific question about the legislation they are working with on the floor, and the member just turned the phone over to the lobbyist in his office and said, "You answer it." Why did he do that? Because it's so bloody complicated.

"That may only be going on in Connecticut." We know it's not the case. It went on in Britain, it's going on in California and it is certainly going to go on here. What did we see when a critical recommendation was made by the Market Design Committee, a very good recommendation, and to give the government its due, it accepted the Market Design Committee recommendation? But no sooner had the Market Design Committee made a very good recommendation about making sure that the central market operator was independent of he who owns the grid — and you have to do that if you're going to have a level playing field — what was the first thing that our public utility, Ontario Hydro, did? They went out and retained Leslie Noble to lobby the cabinet. To the cabinet's credit, they obviously said no. And Mr Daniels — the letter's been read in the House, I won't bother you with it again.

But that instinct is entirely understandable, and that's just one public example of what will go on throughout the piece. This is a \$10-billion enterprise. This is a huge opportunity for the investment bankers and for the financial institutions. One of the tests in this policy — for me, it is the critical test — surely has to be, what are the benefits going to be to the average residential and farm consumer in this province?

I'll tell you this: They will not have the wherewithal to go out and hire lobbyists and representatives to work their way through this very complicated piece of legislation. There will be other special moneyed interests that will do exactly what Ontario Hydro did, and the test will be: Does this policy which we are supporting here today produce an equity of benefit for Main Street as well as Bay Street? Does it produce a fairness in the shouldering of the multibillion-dollar burden that will be the stranded debt? Do those opportunities come to individuals in the same



timely fashion as they undoubtedly will to the moneyed special interests who have already lined up?

It was with some interest a few weeks ago that I received from a gentleman at one of the larger municipal electrical utilities — you might be thinking: “Is Conway the oppositionist just raising concerns that are more theoretical than real?” I received a few weeks ago a memorandum from an individual who happened to have been to New York to a one-day conference sponsored by, among others, the Toronto law firm of Smith Lyons, Scotiabank and Scotia capital markets. This conference was held in New York City on April 16, 1998. The keynote speaker was advertised as the Honourable Jim Wilson, but there were people there — Brian Armstrong, partner at Smith Lyons, senior counsel to the Ontario Energy Board. I know a Brian Armstrong and I suspect it's the same Brian Armstrong, not a man without intelligence or connections, I might add. We had people like Patricia Moir, vice-president of the Bank of Nova Scotia, we had Steve Dorey, ADM, Ministry of Finance, Ontario. It appears to have been a very interesting discussion. I'll return to this in a moment.

But let me tell you, the 100 or so invitees to that conference got more specific details about what this policy means than this Legislature has had in the last couple of days, weeks or months. If I am from Main Street, if I am that older woman sitting at home in Guelph or if I am my 81-year-old father up in Barry's Bay in west Renfrew county who is very dependent on electricity, that won't surprise me. I will expect this to be a honey pot that is going to attract all manner of special moneyed interests with their hangers-on, their retainers, their lobbyists. The evidence is very clear in other jurisdictions. I cite only Connecticut, but there are certainly others to which I could make reference.

The question remains, what are the measurable benefits that are going to attach to the average residential and farm customer and when are those benefits going to arrive? You see, I have no doubt there will be big, almost immediate benefits to big power consumers and there will be all kinds of opportunity for the investment bankers and for the financial industry, no doubt about it.

What about stranded debt? How is it going to be calculated? How is it going to be divided? What menu of instruments is going to be used to write it down? Those are critical questions, and this bill is going to be given second reading with very little information on that account — to be decided. Can you imagine a self-respecting Legislature being asked this week to pass this at second reading, to be told that next week you're going to get some kind of paper from Dr Bryne Purchase, a very good fellow, who is giving advice to the government on these very questions?

Taxes, a point to which I am going to return: I am surprised that there has not been much talk about the enormous new tax opportunity that Bill 35 affords to the Ontario government. More about that later, but if I'm a residential customer, I'm going to look at that and I'm going to say, “Ah-hah, taxes.” Some members opposite look incredulous. More on that later.

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Another aspect of this bill continues a trend that I find obnoxious, and that is that we have, as someone said earlier, an enabling bill. Here are the general principles, but all the key questions are going to be decided by the executive department, the cabinet, through regulations we have not yet seen.

### *Interjection.*

**Mr Conway:** I just know what the bill says, and the bill says it will be the cabinet's responsibility to make regulations and we're going to find out about those later. As a member of the Legislature, it is not the way in which I like to do business. A certain amount of regulatory authority is understandable. This bill, like Bill 26, represents a massive concentration of executive power, because let me tell this Legislature, once this bill is passed, it is gone, and as one analyst observed in the Hamilton Spectator the other day, you're not going to get another chance. It's all going to be done through regulations. If I were in the executive branch of government, I suppose I'd like that, but given the enormity of the issues and the interests and the costs, I don't think that is appropriate, certainly not to the extent that we see in this legislation.

I just want to say a couple of other things about the general situation before I deal with the specifics of the bill. We talked a bit about Ontario Hydro, and I want to turn back a bit to the situation we've seen in the last couple of years. No one was more stunned to see the chairman of Ontario Hydro report, as he did a couple of summers ago, about the mess at Ontario Hydro Nuclear. Previous speakers have talked about the select committee that inquired into the problems at Ontario Hydro Nuclear. And let us not kid ourselves: In the last two decades, Ontario Hydro has essentially become a nuclear company; 60% of our output, as our minister said, is from those nuclear reactors. They've not been performing very well; in fact their production targets continually drop, and they have been dropping for a variety of reasons, as the committee heard.

But when I look at the behaviour of the board in the most recent situation, I say, I hope dispassionately, that the behaviour of the Ontario Hydro board through the 1990s was as bad as it has been in my experience in the last 30 years, and that's not a very flattering comparison. That Bill Farlinger and his crowd would have given the kind of cavalier wipe-off to Norm Sterling's letter back in early August 1996, a letter which basically said, “On behalf of the Ontario government, we as a cabinet want you to look to look at all of your options before you make a decision” — and it's clear from the evidence advanced at the select committee that the board gave it hardly a passing notice.

That's a behaviour that is so typical of mainstream Hydro board activity in the recent number of decades as perhaps not to be surprising. But it gets more interesting, it gets even more exotic. After that, we get a while later the 1997 Ontario Hydro annual report, and I would expect business people in the government and in the opposition to

be apoplectic at this. What have we got here? We've got a release made — I forget when it was; I guess earlier this year. And what does Farlinger do? He's a very respected accountant, apparently. If you haven't read this report, it's worth reading, because essentially what he says is: "Because the Ontario government imposed a rate freeze over the last five years of this decade, we can't recover a lot of the costs that are going to be associated with running this nuclear business. Therefore, we're going to use our rate-setting authority to write down \$6.3 billion worth of costs against our 1997 financial statement."

That is hocus-pocus if ever there were such. I tell you, I say to anybody who looks at this — and there have been people independent of the government and the Legislature, not the least of them being the Provincial Auditor, who was not impressed at that kind of behaviour. Do you know, by the way, that they've actually factored in some of the 1998 ice storm costs as part of the write-down against the 1997 operating statement?

*Interjection.*

**Mr Conway:** Exactly, I say to the minister. If you can do that, all manner of magic is possible.

On another level I suppose I shouldn't be surprised, because what we've had in the last few years is a big public utility that is conflicted. At the one level it must address the nuclear problems, but as it does that, it also wants to prepare for the competitive new world order. Let me tell you, that is a very basic conflict of interest. I ask the question again, who is looking out for the Ontario consumer, the average residential and farm consumer and the Ontario taxpayer? Who is looking out for their interests? I can tell you, it's sure not the Hydro board, with that kind of financial planning.

I say to the minister, nothing makes me happier about your policy than the notion that had it been in place, the NAOP scheme would have been forced on to the energy board. Take your pie-in-the-sky plans, go down there, and if the energy board, with its resources, is willing to give it the green light, fine. That these people have continued in this manner well after the government changed — it was one thing to give the Minister of Energy, Mr Sterling, the kind of brushoff he was given, but then to turn around and do this, I'll tell you, if there was no other reason to support that part of Bill 35, that surely is it.

I also want to encourage the government in this critical transition period: Do not expect that Ontario Hydro is going to behave like anything other than a big corporation out to improve its standing. Somebody who had a gripe against the British Empire once said: "Perfidious Albion. She has no permanent friends, no permanent enemies, just permanent interests." Let me tell you, that could be truly said of Ontario Hydro. Its permanent interest now is to be as big as it is, to be as free of all of the manure that has been piled up in the Augean stables of their management over the last 40 or 50 years. Dump it on somebody else while they head south.

Farlinger made a speech last week to the chartered accountants. It's worth reading. In fact, I have a copy here. It's very interesting reading. What's he going to do?

According to this speech, he says, "If you're going to be a survivor in this continental market" — and he's right about that; this is going to be a continental market, not for mom-and-pop operators — "you're going to have to be a generator with 30,000 megawatts." He said, "We will have 30,000 megawatts." That's a very interesting commitment. "We're going to have 30,000 megawatts," he says, and: "We are going south. We are heading to the bluegrass of Kentucky." The minister is on record as saying that's probably not a bad idea. You know what? Maybe it isn't.

I say again, before that Hydro horse heads down the road to Kentucky to feast on fresh new bluegrass, I bloody well hope that Her Majesty's Minister of Finance is going to make damned well and sure that that horse bears an appropriate saddle for the kind of accumulated debt they've left behind. Make no mistake about it: That Ontario Hydro horse won't be in Kentucky very long before we start hearing of mergers and acquisitions. That too may be not a bad thing, but I'm telling you, we're talking about a huge corporation with a new set of interests and opportunities, and they are not going to be too interested in looking back to the mess they've left behind.

Anybody who would offer up a financial statement like the one I just cited is capable of all kinds of behaviour that in my view will not be in the public interest. I support this principle because it's supposed to deliver an equity of benefit and an equity of sharing the burden, but I have no evidence yet as to how that's going to happen. I just have an instinct that corporate Hydro is going to do everything it can to shirk as much of its responsibilities as possible in that connection.

Now to Bill 35. What does it say? What does it offer? I must say that the bill is fairly consistent with the recommendations from the white paper released some months ago. The bill gives us a number of expected things. We see the Independent Market Operator established. That's going to be the new independent referee to make this market work.

We get the disaggregation of Ontario Hydro; we get the new Genco and the new Servco. That's not a surprise. In some ways it will be; I must digress for a moment.

**1650**

In his report, Donald Macdonald made plain, as have others, that if you're going to have a competitive marketplace — and remember, that's the key; you're not going to make this policy work if it's not a truly competitive marketplace — there are some absolutely essential ingredients. You've got to have a market operator that is neutral, that is not in the pocket of any one of the players. That's why the government made the right decision, and I congratulate them for that in respect of how the Independent Market Operator is structured, as I understand it.

But as important, analysts will tell you that when you've got one player with 90% of the market power, you've got a big problem. I know the Market Design Committee and others are working at ways of trying to deal with that very complicated problem. I see in the press and I read from Mr Daniels and his group that they're



looking at vested contracts and a variety of other tools, and I encourage them in that.

But make no mistake about it that a fundamental premise of this policy is that you've got to have a number of significant players in the generation business to have a real competitive market. We do not have that, and, on the basis of the minister's public statements in these kinds of environments, we don't yet have a public plan. I know there's a plan, and I think the gang in New York two months ago got a much clearer insight to what it's all about than we'll ever get here, certainly before the election. But that is a fundamental issue.

If I wanted to attack this policy on fundamental grounds, I would say, "Minister, this can't work as you've designed it because you have turned aside the Macdonald committee's recommendation that there must be a true disaggregation and breakup of Ontario Hydro's generation power in two or three of the ways that were imagined." The minister smiles knowingly, and I understand why he can't or won't say what he knows.

We have those realities in this bill, but we have some other things. I must thank Steve Dorey and the people over at finance. I think half the Ministry of Finance was on tap last Thursday afternoon when I went over for my briefing about some of the tax questions and some of the financial implications. I just simply want to say again that if I was talking to my constituents and this could be related to them in layperson's language, I'm going to tell you, those parts of the bill, parts V and VI, schedule A, I guess it is, of the bill — if you have a copy, we're looking at page 24 of the bill, part V, "The Financial Corporation." I find it very interesting looking at parts V and VI of the bill.

Let me say, in deference to the people over at finance, who I'm sure thought I was obtuse and truculent on these points last week, I understand the argument that says that if you're going to have a competitive marketplace, you've got to have a level playing field. A critical part of that level playing field is a fair and equitable taxation regime. That I understand.

But I think it's important for the House to understand that we have in this policy some new opportunities of permanent taxation for Her Majesty's Ontario government. I've sat here and listened for three years about the taxes we've reduced and the this and the that which we have provided to alleviate the burden on the overburdened Ontario taxpayer. Let me tell you that Jim Wilson and Ernie Eves are about to enter, for whatever good, theoretical purpose, into the Elysian Fields of new tax possibilities, because you know what they're going to be able to do here, folks? Read it for yourselves.

The government of Ontario will now set up the following structure: It will tax the successor companies to Ontario Hydro at all levels, but it's also going to tax, fully, the municipal utilities. You'd think that's a good thing, because of course it levels the playing field and there's going to be a multibillion-dollar stranded debt. That is the debt left behind after the new Ontario Hydro companies are sent on their way.

So we have that. We have a situation where, for example, with the Ontario Hydro successor companies — the generation company, Genco, and the services company, Servco — they are now going to be levied a federal corporate tax. Interestingly the Ontario government, not Ottawa, is going to collect and pocket that money, and that money in first instance is going to go towards paying down the residual stranded debt of Ontario Hydro. But once that debt is defeased, to use Donald Macdonald's wonderful word, once that debt is paid off, that happy little stream — and it's not going to be a very little stream, presumably — that new stream of government taxation revenue will flow in perpetuity to the Ontario government.

There's more. On the municipal side, the Ontario government will with this policy impose a tax on the adjusted gross revenues of all the municipal electrical utilities in this province. That's a very large rate base. The MEUs, as they're called, serve about 75% of the Ontario market. It is a rate base of millions of people and billions of dollars. This policy gives the government of Ontario the right to impose in perpetuity a tax on the adjusted gross revenues of the Ontario municipal utilities such as they will be after, as the minister rightly observes, a major reorganization in the coming months and years.

Again I say to the people over at finance, I understand the argument about levelling the playing field, but let there be no confusion: There is one big league beneficiary of that level playing field and it's the Ontario government treasury. We are not talking about nickels and dimes. This is a huge rate base. You won't need to take very much by way of rates to get a very large yield. There's something delicious and ironical about a situation where you've got the Minister of Finance who under this policy, again for reasons that I understand, has absolute power. If ever there was a player and umpire and beneficiary and reporter and judge in one game, it is the Minister of Finance in this policy.

Wonderful language. There are two or three places in parts IV and V of the electricity bill where the government is clear on critical questions of how much is the stranded debt; how does it get paid; when is it deemed to be paid off? One person gets to decide, and that's the Ontario Minister of Finance. There are a couple of places where it's made plain in the language of the bill, "and you shall not have recourse to the courts to challenge the determination made by the Minister of Finance."

For those of you with a libertarian or Preston Manning Reform instinct over there, I just simply want to tell you that is a not inconsequential power. I always like a referee who is neutral in the game.

**Hon Mr Wilson:** It's a standard clause.

**Mr Conway:** I say to my friend, what we've got now is the Ontario Minister of Finance who with one hand is going to reach in and forever cream off the federal tax payable to the successor companies of Ontario Hydro and put that money in his pocket, and with the other hand he's going to reach into the revenue base of the municipal electrical utilities, the vast majority of the existing rate base of the province, and he's going to cream off in

perpetuity a portion of the adjusted gross revenues of the MEUs. Let me tell you that is a referee with an interest. Any of us who fantasize about the Minister of Finance, as undoubtedly the member for Simcoe West does, will salivate at the possibility.

1700

I understand the argument for a level playing field. I simply want to advertise what this bill does. This bill at one level represents an enormous tax grab which is going to have yields of hundreds of millions, probably billions, of dollars. Why I say that is, if you look at the analyses that have been done by people like Don Macdonald and others — Steve Dorey was down at this meeting in New York and he thought that the stranded debt, which is going to be in the order of \$15 billion to \$20 billion to \$25 billion — the expectation is that that mound of debt is going to be written off in less than a decade. That ought to tell you just how rich some of these new taxation sources are going to be.

Let me tell you, on Main Street they're going to be interested. They're going to suspect, and rightly so, that they will be, at the end of the day, expected to shoulder a disproportionate share of that burden through their residential and farm rates.

Why, you might ask? Because it's simply such a large base. Why do these utilities attract the interests of the Rob Sampsons, who in a previous life were down on Bay Street or over on Wall Street? Because they are essentially regulated utilities with a huge base. As one of the government members indicated, the average residential bill is \$1,000 a year. If you can get a piece of that action, let me tell you —

**Interjection:** It won't go up.

**Mr Conway:** The member says it won't go up. I hope and I pray that he's right. I've heard that before. The old-time religion about the last round: "Buy this and you will walk forever with a blue sky overhead and fresh green grass underfoot."

**Ms Frances Lankin (Beaches-Woodbine):** On a point of order, Mr Speaker: I hate to interrupt the member but I think his comments are so important and historically relevant to people here that people should be here to hear them. I would appreciate if you would check and see if there is a quorum.

**The Acting Speaker (Mr Gary L. Leadston):** Is there a quorum present?

**Clerk at the Table (Ms Lisa Freedman):** A quorum is not present, Speaker.

*The Acting Speaker ordered the bells rung.*

**Clerk at the Table:** A quorum is present, speaker.

**The Acting Speaker:** The member of Renfrew North.

**Mr Conway:** As I was saying, this bill affords the government a very significant new array of taxation and it is going to be, I think, of very considerable interest to Main Street and to the average electricity consumer in this province that this is part of the policy.

I was also noting and I should add that any municipal electrical utility that in the course of its rationalization transfers any of its assets or whatever under certain

conditions is also going to be facing a transfer tax — all of these taxes to be decided in amounts and under schedules that only one person is going to decide.

Can you imagine, for example, on the stranded debt question, I'm the Minister of Finance and let's say for the sake of argument that I — you see, we laugh and we're distracted. I can be a little more exercised on this because that's what legislatures have done repeatedly with this kind of policy. We laugh and we're distracted. We're given a few general bromides and we go away.

I'm going to just digress for a moment. I was really mad when I got looking at the Ontario Hydro stuff. I read the shilling of the likes of David Frum when he's going on about, "All public enterprises, terrible, terrible, terrible."

I read the New York Times, as some of you know, pretty regularly. Lately they have been telling the story about Lilco, Long Island Light, an 85-year-old, investor-owned utility in New York state. It's a debauchery even worse than Ontario Hydro — it has nothing to do with public enterprise — a grotesque rape and pillage of ratepayers and taxpayers, and it's still going on. The New York Times reported the other day that as one last gasp, the executives running Lilco — do you know what they had the nerve to do, having stuck taxpayers and stuck ratepayers for decades? Those gangsters walked out, and the president of Lilco, as a last gasp, paid himself a \$42-million severance package. It is unbelievable. That's private power. I'd like to hear David Frum talk about that.

For those of you who are buying the new religion, let me be clear. The evidence is very clear that this problem is not the exclusive preserve of public utilities. The Times had two articles on Sunday, June 14, "The Legacy of Lilco: No-Fault Failure" — a multibillion-dollar boondoggle, and guess what? There is nobody around to accept any responsibility. That's before they find out that these clowns who wrecked the bloody thing walked out with I think \$65 million worth of severance bonuses.

**Hon Margaret Marland (Minister without Portfolio [children's issues]):** You've got a million, of course.

**Mr Conway:** Of course I've got a million, thanks to Mike Harris. That's not my point. If you want to talk about the business at hand, Mrs Marland, which is serious — we're all doing other things — that's what people want us to do.

The only problem with this is that we are responsible. We all offer up the bromides about accountability, and the bloody problem with this business is that we should be having a court martial here, we really should, and I guess I should be hauled up because I, unlike some of you, have a greater responsibility.

But I'm going to tell you, successive legislatures have been lied to, abused and otherwise trampled upon. Now we've got the mess and we've got the bill. I support the change, because the status quo is not an option, but just don't think for a moment that because we've changed direction we're not going to get our own version of Lilco.

When I look at California, when I look at New York, when I read Macdonald, for example, I say to the minister, it is said that if you really want to be fair to the retail



consumer, you've got to be prepared to do a couple of things that I don't see anywhere in this policy. You've really got to embark on a very serious, rigorous, ongoing campaign, either on your own or with the industry, of public information.

The average customer is going to look at this — one of the previous speakers said that people had to make choices around telephones. I understand that. If you think deregulation in natural gas and/or deregulation in telecommunications was complicated, what is it going to be like on something more basic and more vital in our northern climate, electricity? All the evidence, particularly in places like California and Britain, suggests that if you're going to be fair to the residential customer, you've really got to go out and campaign with good public information that tells consumers what's going on, what are the choices, what are the consequences, where are the worry spots and where are the opportunities. There is none of that to date. We still have some time, and I want to see some of that.

The other thing that Macdonald and his group made plain is that this is a very complicated world. Macdonald recommended wholesale competition first and then retail competition, because to get good retail competition there's a whole new world that has to open up out there: agents, marketers, brokers, energy services companies. Some of those people are there, but they need time and room in which to develop. There is just no regard to that in this policy that I can see.

I'm going to tell you, as someone who supports competition, I am concerned, because this commodity in Ontario is so vital and it is therefore so political. If we get it wrong, we're going to hear about it, and we may inadvertently undermine the very policy we want.

1710

Can you imagine, if I'm a reader of the *Belleville Intelligencer* and in a year or two I see a version of *Lilco*, and meanwhile my rate or my service is going sideways or up, I am going to be ballistic, and I will be after *Rollins* or *Hugh O'Neil* or *Harry Danford* or *Conway* or *Elmer Buchanan* or whoever is my local representative, and I'm not going to be very polite.

Again the argument is: "We've learned from our past mistakes. It can't happen again." My experience in this business is that if it sounds too good to be true, it probably is, and this is complicated. It's not easy, and I respect the minister's problem. He's in a tough corner. That mess with *Ontario Hydro Nuclear*, the notion that we've got a rate freeze — listen, I'm not here to argue for a rate freeze — is a complete joke. How do we get a rate freeze? The rate freeze gives us a write-down of \$6.3 billion last year, just so you know. *Abracadabara*.

So what are we going to do with *Ontario Hydro* over the next 18 months? It's all well and good to hear *Dr Galt* talking about the environmental possibilities. What did those of us who sat on the committee hear? *Ontario Hydro* is going to pull back about 4,000 megawatts of nuclear capacity, and it may or may not bring some of that back on stream in the next two or three years.

The economy is growing. Demand for power is going up at the very time when our generating capacity is going the other way. Yes, we will get some new capacity. I was happy to see *TransAlta* make its announcement last week about 540 megawatts of cogeneration for the *Chemical Valley*, but that's not going to be on stream for at least two or three years. How do we get through the night, and it's going to be a troubling night, if we want to keep rates, level and supply good, and keep safety and environmental standards?

Make no mistake about where we're going in the spot market for a good bit of the intermediate power. We're going to buy dirty, coal-fired electricity from the *Ohio Valley*. That's where we're going. That's just one of the problems we're going to have in the next two or three years. We are going to have to suck it up a bit environmentally, because according to the evidence presented to the committee, in the short term there aren't going to be very many opportunities to pick up that megawattage. We're talking about 4,000. I hope I'm wrong, but that was the evidence presented not that many months ago.

What about managing these costs? *Farlinger* is in the press talking about stranded debt — or total *Hydro* debt, I should say — that may be in the order of \$45 billion to \$47 billion. He's now saying his view about the stranding might be that the debt could be \$25 billion to \$30 billion. That's twice the figure that has been generally advanced: \$25 billion to \$30 billion. We'd better pay attention.

You see, my friends, these are not issues for which there are easy answers. The problem we have had is clearly one of accountability. *Adam Beck's* vision was to develop a public utility beyond public control, and he succeeded. It sounds crazy and paradoxical, but that's what he wanted. He wanted a public utility beyond public control. As he used to say, "I don't want the politics of the *Intercolonial Railway*," that public utility in *Atlantic Canada* built to carry not passengers or freight but elections.

Part of the *Beck* problem was that his vision was so infused with theology and religion. How many of you remember going, 15 or 20 or 30 years ago, to a *Hydro* meeting? I remember going. Talk about a corporate policy and corporate religion. It was something, and in a growing economy, hey, tomorrow is always going to be better than today or yesterday. Why not build the biggest and the best?

When we talk about public utilities, it's really interesting. *Lilco's* downfall was largely the result of the ill-fated *Shoreham* nuclear power station. Just so you know, it was built but never opened. The cost overruns at *Shoreham* were in the order of 100 times. These captains of private industry: 100 times was the overrun, and it never really opened. Just unbelievable.

You ask yourself, as the people of *Long Island* asked: Where was the energy board? Where was the public utilities commission? Where was the state Legislature? What was going on? Part of it was of course that there, like here, the big unions, the big governments and the big

businesses were all lined up saying: "Ready, aye, ready. Progress, you must understand." Only a nattering nabob of negativism would want to discount the possibility of this old-time religion. So it happened.

#### *Interjections.*

**Mr Conway:** The ministers giggle. They won't be here. If this policy misfires, Mrs Marland will be at home enjoying her grandchildren, and I'll be long gone as well. Part of me wants a court-martial, because nobody ever gets to accept the responsibility. Go back, for example, and look at the performance on the Denison contracts. That's not very long ago. I look at those now and I am absolutely stupefied at the unbelievable boondoggle.

I remember the day — it was a Friday afternoon — that William Grenville Davis, with Kathy in tow, walked into the committee and put oil on troubled waters. It worked magic. There were a few people who were nattering away about, "Doesn't this just seem incredible?" and there were a few people writing in a few journals. The matter came up again in an election, where the government of Mr Davis won a very clear victory. I'm a democrat; I'm not complaining. I look back on that now and say: How did that ever happen? How did we ever get away with it? That's only as a context for this point of new departure.

I conclude my remarks again by saying, what's the test? The test for me is yes to competition, yes to transparent and rigorous regulation. I said earlier, nothing would have made me happier than for Bill Farlinger and Carl Andognini to take their NAOP and, before coming to the Legislature, go down to the energy board and let some people with some experience and some professional oversight and cross-examination capacity have at them, and if they pass that test, then come to the Legislature. They come to the Legislature, just pile a great big dose of feathers and honey on the place and away they go.

Yes, I'm for regulation. I recognize the growing convergence between gas and electricity. I believe that had there been the competitive instinct in the marketplace, there would have been the discipline to have made Ontario Hydro Nuclear meet some kind of market test for real cost.

I say again, what I want to know is, what benefits are there going to be for the regular residential and farm customer? There are a lot of people I represent in places like Beachburg and Barry's Bay and Palmer Rapids, people like my colleague from Hastings up in places like Bancroft and out in rural Grey and up in Muskoka. I'm going to tell you, I would want to know what's going to happen to the reliability, the safety and the price of the distribution world in my part of mid-northern or rural Ontario.

There are some very warm and fuzzy statements being made. The test will be in the performance downstream. What are the benefits going to be to Main Street? When are they coming? Will there be an equity of benefit in rates? Will there be an equity in the sharing of the burden? I know, as Connecticut has shown clearly, that the lobbyists and the political activists will be there working

overtime, burning the midnight oil, to make Bay Street happy, to give very real and very quick benefits to special moneyed interests that will not have my interests as a citizen or the public interests as their first concern.

With those remarks I take my seat. I will certainly be looking, in the coming weeks and months, for very critical information, like the amount and the mechanism for retiring stranded debt, without which no sensible Legislature could make a final judgement about this enormously important public policy.

#### 1720

**The Acting Speaker:** I remind the member for Renfrew North, when you're referring to a member, you refer to her riding, not to her name.

Questions and comments?

**Mr Lessard:** It's been a pleasure to listen to the member for Renfrew North on a subject in which he has so much knowledge. I was just starting to get into it and he's only been speaking for one hour.

I wasn't in short pants 22 years ago when the member for Renfrew North started here, but I do remember when I was in short pants back in grade school. John Roberts was the Premier. The all-electric house was being touted as a panacea for comfortable lifestyles. Comic books were distributed to the school that I went to that talked about the wonders of nuclear power. That was the new religion that was in vogue during that time and we see where that's got us to now.

I think we need to pay some attention to the member when he talks about the new religion that's being touted now, the new religion of deregulation, privatization and giving over to the private sector what the public sector has been doing in the past and doing that on the basis that there had been some mistakes that have been made in the past and therefore we should just unload all this responsibility in the hope that maybe somebody else can do it better. We have a new system and that might benefit consumers.

That really is the question that we need to ask ourselves: How is this going to benefit John and Mary Q. Public, who are at home and turn on the lights and just want to have a guaranteed supply of electricity at a lower rate and pay their hydro bill every couple of months? We do require regulation to ensure that the environment is protected, that consumers are protected and that the benefit of this deregulation goes to consumers.

**Hon Mr Wilson:** I want to join with our colleagues and thank the member for Renfrew North for I think a very insightful dissertation about Bill 35. Just a couple of things. His litmus test that he posed was, who's protecting the consumer? I want to just stress that every consumer protection that's available under the law today under the Power Corporation Act and the Energy Act, all the good stuff, is contained in Bill 35, plus there are enhancements. The consumer will now have a choice where they get their electricity supply, just like they do with gas and long-distance telephone, or if they don't want to exercise that choice, as the honourable member for Huron, the parliamentary assistant, said, many of us have chosen to



stick with our current gas company. Yet we've seen rates go down at least 30% in the natural gas sector over the last 10 years. So the average consumer has benefited.

The rural rate assistance and assistance to remote customers remains part of this legislation, as in past legislation, and opportunities for environmental enhancements, a brand-new part of our energy industry, can emerge, which will be good for the environment. That's something that concerns all of us.

I say to those who think this is strictly a bill for the big-money men that really what you're describing is the status quo. What could be bigger than the \$32 billion for the bondholders out there who are the Wall Streets and the Bay Streets? In fact, this bill should be seen as finally we're getting out from under the crushing burden of the big-money men and we're finally having some freedom. Consumers will have choice and freedom to shop and freedom to finance electricity generation projects in the future from those other than the big-money men who buy Ontario Hydro bonds.

You could actually see this as a very liberating piece of legislation. The huge amounts of money, hundreds of millions of dollars we pay in interest and debt to Wall Street and Bay Street because of mismanagement by previous governments and Ontario Hydro is exactly what this bill gets us out of.

**Mr Bernard Grandmaître (Ottawa East):** I'd like to thank my colleague. The minister referred to comments of the member for Renfrew North as a dissertation. I think it's a thesis. The universities are handing out honorary doctorates and I think the member for Renfrew North should be given an honorary doctorate for the simple reason that there is no one in this room as knowledgeable as the member for Renfrew North, especially when we talk about Ontario Hydro and the energy provided by Ontario Hydro.

As the member pointed out, yes, we approve in principle. The status quote is unacceptable. We need some changes. But we need some answers. Who will pay for this great debt of Ontario Hydro? I'm sure it's going to be the customers — you, you and everybody else in this room. Somebody has to pay for this debt. What the member for Renfrew North is telling us today is, be wise, be very careful when you make these major changes to Ontario Hydro.

The government is trying to sell the possibility or is telling us that our rates will go down by 20% or 25% or maybe 30%. Well, there is nothing in this bill that will convince me or anybody else that our rates will go down by even 5% or 10% down the road, five or 10 years from now. What we are faced with today is a major decision, and it shouldn't be taken lightly by the government.

**Hon Mrs Marland:** I must say, I agree with the member for Ottawa East that an honorary degree to be bestowed on the member for Renfrew North would be appropriate at any time for his service to the people of Ontario and his service to all of us who have had the privilege of being in this chamber with him. He is, in my opinion, one of the greatest orators we have ever had in this chamber.

Although I wouldn't agree with all his comments on this afternoon's legislation that is before us, obviously the status quo in terms of Ontario Hydro and the provision of electric power in this province simply isn't acceptable to anyone, either the consumers or the taxpayers. But as the member for Renfrew North says so well, it is important that all these issues are on the table and being discussed. That's the reason I'm very happy that the bill in its present form is before the House.

When the time comes for the member for Renfrew North to leave this chamber — frankly, when the member for Ottawa East said that there's no one here like him, there isn't anyone in this chamber today or any other day that's like him, ever since the departure of Bob Nixon, Ian Scott —

**Ms Lankin:** Bob Rae.

**Hon Mrs Marland:** Thank you — Bob Rae, and Bill Davis.

**The Acting Speaker:** The member for Renfrew North has two minutes to respond.

**Mr Conway:** To my colleagues I will simply say this: The late Adlai Stevenson once observed, "Flattery is fine so long as you do not inhale," and like Bill Clinton, I'll try not to inhale.

Two comments. First, no decision in this process is going to be more critical to the average consumer and taxpayer than that whole question of stranded debt. I ask you to consider subsection 79(7) of schedule A of the bill, the electricity. Listen to this:

"The determination of the Minister of Finance that the residual stranded debt has been retired is final and conclusive and shall not be stayed, varied or set aside by any court."

When you take that section and marry it to a couple of the other places where the determination around stranded debt is set out, it's absolutely the centrepiece of much of this policy. If I'm a residential customer, living in Barry's Bay or Bancroft or Guelph or North York, the determination of that is central, and only one person gets to make that. That individual is an elected official, granted, but he has, because of the tax implications of this policy, an enormous interest. I say, what protections are there for the general public? Those decisions around how stranded debt is decided, how it's apportioned and how it's going to be carried by generators and by consumers, by everyone — that is a central question, and I see little or no protection for the average person in this policy. It may develop, but again, the Minister of Finance is not without an interest. He has a huge taxation interest.

A final observation: Last Wednesday's Financial Post reported that Ontario power users may face long waits for reductions in rates. Bill Farlinger says it's a leap of faith and it may be years before residential customers see a break. Bob Lake from Peterborough PUC says the same: a leap of faith. The regular customer is going to want more than just a leap of faith.

1730

**The Acting Speaker:** Further debate?

**Mr Lessard:** I want to begin my remarks in a similar vein as my response with respect to the minister's

statement on the introduction of Bill 35 last week. That is to say that I and members of my caucus support competition generally, but we're not supportive of competition at any cost. We acknowledge that bringing competition into Ontario's electricity sector is something that needs to be done, and we acknowledge as well that there have been problems at Ontario Hydro over the years that have got us to the point where drastic action like that set out in Bill 35 has to be taken. Perhaps saying that there have been problems in Ontario Hydro over the years is a bit of an understatement.

We have some serious concerns with respect to the approach that has been taken to try and deal with those problems and to try and introduce competition into the Ontario electricity market. I'd like to outline some of those concerns generally and then elaborate on some of them as I go along.

First of all, although this is a very substantial bill — it's some 161 pages long — there are still many details that we need to hear about in the coming weeks and months. There are a number of unanswered questions that need to be answered as well. We are concerned about the impact Bill 35 will have on the quality of our environment, because we know that opening up the Ontario market to other generators of electricity will mean that American generators are going to be selling electricity into the Ontario market, and that is probably going to mean generators who burn dirty Ohio Valley coal. We have experienced the impact of that in my area, in the Windsor-Riverside community, and that's something I want to spend a few minutes on as well.

We are also concerned about the impact the legislation is going to have on consumers. That's really the major reason, the carrot the government is holding out in trying to get a buy-in from the public to support Bill 35: the expectation that consumers will enjoy lower rates through deregulation of Ontario Hydro and the opening up of competition in the electricity sector.

We are also concerned that this bill, although it doesn't specifically address the issue of privatization, really is silent with respect to privatization. Although the Minister of Energy, Science and Technology has indicated that it's not an option he's considering at this point in time and even if he were, it's at least five years down the road, there really isn't anything in this bill that prevents a move towards privatization of Ontario Hydro, and that's something that I want to speak about further as well.

Finally, one of the issues that causes a great deal of concern, which has been alluded to already this afternoon, is the whole issue of the stranded debt. How is that stranded debt going to be covered? First of all, how is it going to be determined? We don't even know what the amount of the stranded debt is at present. We're told we're going to receive a paper about it sometime in July and it will give us a better idea of what the stranded debt is. We want to know how that's going to be calculated and, most important, how it's going to be serviced.

Is there going to be an opportunity for some consumers of electricity in Ontario to somehow escape having to pay

the stranded debt? Are there some small retail consumers who are going to end up paying an inordinate share of the stranded debt? Is the determination of the size of the stranded debt going to leave the successor companies of Ontario Hydro in a non-competitive position and therefore subject to being encouraged to be privatized? Because they're no longer competitive, one might use the argument that as the stranded debt they're being saddled with is so high, probably the best option for them is to privatize those successor companies.

That really, in a general way, outlines the concerns that I have with respect to Bill 35.

The legislation has been introduced as not only inevitable, but something that's going to be beneficial to consumers. The objects of the legislation, the purposes of the bill, are set out in part I. This is what they say:

"1. The purposes of this act are,

"(a) to facilitate competition...

"(c) to protect the interests of consumers...

"(d) to promote economic efficiency...

"(e) to ensure that Ontario Hydro's debt is repaid..." and

"(g) to facilitate energy efficiency and the use of cleaner, more environmentally benign energy sources in a manner consistent with the policies of the government of Ontario."

You know, it sounds pretty good. Certainly none of us can disagree with those objects. It sounds almost too good to be true. You know what they say about things that sound as though they're too good to be true; they are. Before we start to believe what this government has to say about the reduction in rates to consumers and the increased protection to the environment, we have to ask some very serious questions.

We know that the prices for Ontario Hydro are the third-highest in Canada and we need to try and bring rates down, but is the problem with respect to high rates going to be solved by breaking up Ontario Hydro? That's a question we really need to ask ourselves. Is this going to benefit all consumers, or are some consumers going to benefit more than others?

I'm not so sure that all consumers are going to benefit from lower rates or from the breakup of Ontario Hydro. It seems as though Bill Farlinger, the chair of Ontario Hydro, agrees. Quoting from an article in the Toronto Star from a few days ago, he calls the Premier's confidence that lower prices for all were going to be the result of Bill 35 "a leap of faith." We're going to be very vigilant in ensuring that that is going to be the result of the passage of Bill 35.

We know there are going to be major power users. Ford was one of the companies that was mentioned here this afternoon, and I have a number of large energy users in my area as well. Chrysler is one of them, General Motors, Ford, and the casino as well — a huge consumer of electricity. If they are going to get lower rates, who is going to pay for that benefit that they're going to receive? We saw with the breakup of telephone monopolies and gas retailers that sometimes those benefits aren't quite enjoyed



by all consumers. When telephone rates were deregulated, certainly large customers of long-distance services benefited greatly. However, residential telephone users who didn't use a lot of long-distance services ended up paying for that benefit. Local telephone rates increased, and have increased substantially, over the years. That's not something that we want to see happen with respect to the breakup of Ontario Hydro.

1740

We've heard from some of the government members this afternoon that there are going to be some protections in the bill with respect to the environment. Certainly there are some provisions in Bill 35 with respect to protection of the environment and I just want to refer to those. They are regulation-making powers, by and large, and because this is really an enabling statute, it leaves a lot of the details with respect to environmental protection for the regulations, which we don't have before us.

We receive all of these vague assurances from government members about how there are going to be all of these grandiose plans to try and enhance environmental protection. This is what it says in schedule B of the bill. It's in section 69. It talks about licences for people who are going to be involved in the marketing of electricity. Conditions of licences can be applied, according to section 69, and some of those conditions are going to include "specifying information reporting requirements relating to the source of electricity and emissions caused by the generation of electricity." That's something that is going to be a condition of the licence of a person who is engaged in selling electricity.

How is it that they're going to come up with those standards that need to be complied with? That's set out in section 87. It says, "The Lieutenant Governor in Council may make regulations." Not "shall make regulations;" it says "may." So it enables cabinet — that's the Lieutenant Governor in Council — to make these regulations. It doesn't require them to make regulations, but it says these are some of the things they can do. It says to require retailers to disclose "the nature and quantity of the prescribed contaminants emitted by the generation facility from which the electricity being sold" comes from. It also indicates that they have to provide information about contaminants from a source or class and they also have to give information "respecting the manner in which reductions, credits or allowances acquired by a generator under the Environmental Protection Act may be used...." They also have to make timely disclosure to consumers.

It all sounds very good, but once again I have to remind you that this is enabling legislation. It says that the Lieutenant Governor in Council may make these regulations, and there's no absolute requirement that there needs to be information collected about the contaminants that are produced by generators of electricity and no requirement that there needs to be compliance with certain limits with respect to contaminants as well. When we consider in good faith the comments that have been made by the government members about their willingness or their intention to introduce regulations to enhance environ-

mental protection, we really have to measure that in relation to their record over the last several years in dealing with environmental issues.

I have the 1997 annual report from the Environmental Commissioner, which I've referred to on numerous occasions here in this Legislature. I think it's important that I highlight once again the comments of the Environmental Commissioner. She said:

"Overall, environmental health continues to be a very low priority for the ministers of this province. Ministry business plans indicate that ministers are withdrawing from their environmental commitments. More and more, they are failing to integrate their responsibility for the environment into their core business plans and into their social, economic and scientific considerations."

She refers to a number of examples to back up that statement as well. A couple of them have to do with Ontario Hydro. On page 33 of the report, she talks about how Ontario Hydro in 1991 — when the New Democratic Party government was in power, by the way — had planned to cut nitrogen oxide emissions, NO<sub>x</sub>, by 19,000 tonnes by the year 2000. What's happened to that commitment?

We know that as a result of Hydro's unexpected announcement in August 1997 of having to shut down seven of their nuclear reactors, they had to shift to more burning of fossil fuel. That commitment to reduce NO<sub>x</sub> emissions is in serious doubt — not in serious doubt; I would hazard to say that there is absolutely no way they're going to be able to meet that commitment, considering the shutting down of those seven nuclear reactors.

Again with respect to Ontario Hydro, on page 66 the report deals with a number of reviews and investigations that were conducted by the Environmental Commissioner. One of the investigations she made was a result of an allegation that Ontario Hydro had discharged large quantities of heavy metals into the Great Lakes due to the erosion of brass condenser tube walls at its power plants. Those investigations are to be completed some time in 1998, but they really indicate a less-than-favourable role by Ontario Hydro in the protection of the environment.

It's lucky that we have someone like the Environmental Commissioner who can undertake investigations to ensure that Ontario Hydro has lived up to its environmental commitments, because if we have to depend on this government to do that, we know their record is less than exemplary. Part of that has to do with their agenda, finding the money to fulfil their commitment to their phoney tax scheme.

We've seen what the result of that has been in the Windsor area, and that's referred to in the Environmental Commissioner's report as well. She says that because of Ministry of Environment budget cuts, the committee we had in Windsor, the Windsor air quality committee, has become inactive. The Ministry of the Environment's Windsor office has lost half of its staff. There's no local action plan or target to improve Windsor air quality.

You'll recall that a few weeks ago the Ontario Medical Association released a report that talked about how awful

the air quality was in southwestern Ontario and most specifically in the Windsor area, and the negative impact that has on the health of the people whom I represent.

1750

We know that much of that smog that we're forced to inhale, much of that dirty air that comes into Ontario through the southern part of the province comes from the United States. We acknowledge that. However, given that reality, we have to be asking ourselves what we want to do in making the hydro market more competitive. Do we want to encourage electricity generators in the United States who are going to burn dirty coal so they can sell cheap power back to us? Is that really what we want to encourage? I don't think that's what I want to see in my area. So there are some trade-offs we need to be aware of when it comes to offering to consumers this promise that there are going to be lower hydro rates if only we pass Bill 35.

What we really need to be doing is ensuring that the United States commits to more rigorous standards for particulates and ground-level ozone. In fact, in March 1997 the Ministry of the Environment made a submission to the US Environmental Protection Agency and asked them to do just that. However, the Environmental Commissioner acknowledges in her report that: "Ontario's negotiating position is very weak. Although some of the air quality guidelines have lower concentrations than the new US standards, Ontario numbers are only guidelines and therefore are unenforceable."

So here we are trying to say to the Americans: "We're opening up our markets so you can sell us cheap power. You're going to be generating it with dirty Ohio coal. The bad air is going to be coming over into Ontario for us to breathe, and we'd really like you to reduce your emissions." The Americans are going to say to us: "Look, you don't enforce your own standards. They're unenforceable. They're voluntary. Why is it that you're coming to us to tell us to lower our standards when they're better than yours are?"

What the Ministry of the Environment needs to do is set enforceable, regulated standards for inhalable particulates and develop a comprehensive compliance program to ensure that those standards are met. That is the context within which we need to be looking at those environmental regulatory powers that are set out in Bill 35. I think, notwithstanding all the remarks that have been made and the commitments that have been made by the government, the legislation should be amended to state very clearly that those environmental standards for those who generate power to sell into the Ontario market shall be imposed.

Those regulations must be put in place. They need to be stringent and they need to be enforceable as well, which brings up another question.

Even if those regulations are put into place, how are we going to ensure that American power generators are going to be in compliance with them? If they're not in compliance, how are we going to be able to impose any sanctions on them? I don't see that in this bill. I'll be looking forward to hearing from people about the bill when we go to public hearings during the summertime, to see what suggestions they have to place in this bill some very strong language in dealing with environmental protection for United States power generators.

When it comes to the generation of power by American companies, we have a situation on the Detroit River, right across from the area I represent. It's called the Conners Creek power plant. It's a coal-fired power plant. It hasn't been running for 10 years. Of course the environmental standards 10 years ago were much lower than they are now. They want to restart that plant, use those 10-year-old standards, use the equipment that is probably close to 50 years old, and run it during this summer, a time when the air quality in the Windsor area is notoriously bad. Those days when it goes up to 30 or 35 degrees, the air is very humid and it just hangs in there. That's when they want to fire up this Conners Creek power plant.

We see the difficulties that we're having in trying to get that power plant to comply with current US Environmental Protection Agency regulations. This has required the federal Liberal government to get involved, to make submissions to the Environmental Protection Agency. I've made statements about this power plant here. It's something we need our Minister of the Environment to get involved in as well with the state of Michigan. I would encourage him to do that, because if we're having problems like this now, once we start to open up our hydro market to foreign generators, I can just anticipate that there are going to be more problems with respect to the environment as a result of dirty coal-generating plants producing electricity that they can sell cheaply into the Ontario market.

Some of the things that I want to cover when I continue after we break this evening have to deal with the stranded debt —

**The Acting Speaker:** The time being 6 of the clock, this House stands adjourned until 6:30 of the clock this evening.

*The House adjourned at 1758.*

*Evening meeting reported in volume B.*



**LEGISLATIVE ASSEMBLY OF ONTARIO**  
**ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO**

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Clerk / Greffier: Claude L. DesRosiers

Clerk Assistant / Greffière adjointe: Deborah Deller

Clerks at the Table / Greffiers parlementaires: Todd Decker, Lisa Freedman

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Quinte	Rollins, E.J. Douglas (PC)	Wentworth North / -Nord	<b>Harnick, Hon / L'hon Charles (PC)</b> Attorney General, minister responsible for native affairs / procureur général, ministre délégué aux Affaires autochtones
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	Conway, Sean G. (L)		Lessard, Wayne (ND)
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Riverdale		Windsor-Riverside	Duncan, Dwight (L)
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	<b>Bassett, Hon / L'hon Isabel (PC)</b> Minister of Citizenship, Culture and Recreation / ministre des Affaires civiles, de la Culture et des Loisirs	Windsor-Walkerville	Parker, John L. (PC)
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St Catharines-Brock	<b>Leach, Hon / L'hon Al (PC)</b> Minister of Municipal Affairs and Housing / ministre des Affaires municipales et du Logement	York Mills	Sergio, Mario (L)
St George-St David		York-Mackenzie	Kennedy, Gerard (L)
		Yorkview	
		York South / -Sud	
		Nickel Belt	Vacant

A list arranged by members' surnames and including all responsibilities of each member appears in the first and last issues of each session and on the first Monday of each month.

Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.



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E.J. Douglas Rollins, R. Gary Stewart, Bob Wood  
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## Assemblée législative de l'Ontario

Deuxième session, 36<sup>e</sup> législature

# Official Report of Debates (Hansard)

# Journal des débats (Hansard)

Wednesday 17 June 1998

Mercredi 17 juin 1998



Speaker  
Honourable Chris Stockwell

Président  
L'honorable Chris Stockwell

Clerk  
Claude L. DesRosiers

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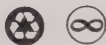
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## LEGISLATIVE ASSEMBLY OF ONTARIO

Wednesday 17 June 1998

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mercredi 17 juin 1998

*The House met at 1831.*

### ORDERS OF THE DAY

#### ELECTION STATUTE LAW AMENDMENT ACT, 1998

#### LOI DE 1998 MODIFIANT DES LOIS EN CE QUI CONCERNE LES ÉLECTIONS

Resuming the adjourned debate on the motion for second reading of Bill 36, An Act to amend the Election Act and the Election Finances Act, and to make related amendments to other statutes / *Projet de loi 36, Loi modifiant la Loi électorale et la Loi sur le financement des élections et apportant des modifications connexes à d'autres lois.*

**Mr Bruce Crozier (Essex South):** It's a pleasure for me to get up this evening to speak for a few minutes to Bill 36, the changes to the Election Finances Act. Part of what I'd like to say I'm going to try and personalize because I suspect that to some degree our constituents maybe don't know exactly what goes into an election, what the costs are, where the money is spent, how the money is raised —

**Mr Sean G. Conway (Renfrew North):** And the prayers.

**Mr Crozier:** The prayers that go into it; absolutely — and the pounds lost. I think back to the 1993 by-election. Some of us could well afford to lose some weight during an election, but we certainly get a lot of exercise during an election campaign. I happen to be one of those who think that exercise is good for you, but I'm not a fanatic about it. Consequently, oftentimes it's during those types of campaigns that we get our exercise.

I think back to the time that I was mayor of a town of 15,000 people, of course Leamington, the tomato capital of Canada. In those campaigns, being for council and then subsequently running for mayor, you get some feel of what an election campaign is for public office compared to what it was like when I was in an association, the Kinsmen Club, when you're in a group like that where they have elections too for their officers. But as you step into public life, those elections change, and as you come to the provincial level they become more partisan as opposed to municipal politics. I'd like, if I could, in my remarks to kind of personalize what the changes to the election expenses are going to mean to me and at the same time

give those who may be watching an idea of what the cost of an election is, and I'll make some comparisons.

The last election I was involved in, the general election of 1995, my campaign expenses were \$39,000, almost \$40,000. In anybody's pocketbook \$40,000 is a lot of money, and most of us have to raise that money because most of us, at least on this side of the House, are not financially independent where we can go out and simply spend that kind of money out of our pockets.

So \$40,000 is a lot of money. Where does that money go? First of all, the evident part of it of course is the campaign signs. Come election time we see signs all over the place. If there were a fairer and better way to do it, and I point out that my comments this evening are strictly personal, I might be one of those who doesn't want to see the whole countryside, our beautiful countryside, plastered with signs. But that's part of an election and certainly signs are one big part of that.

Material that is sent to households so that we can introduce ourselves and introduce our platforms is costly.

**Mrs Helen Johns (Huron):** Thank somebody for that.

**Mr Crozier:** The member for Huron says, "Thank somebody for that." We're discussing a government bill tonight that effectively is going to raise the price of a seat in this Legislature. I don't know what this chair is worth in its material value, perhaps \$100 or \$200, but I'll tell you this before I get finished: It could cost as much as \$100,000 in the next election. I don't know whether you can afford that or not, but it's going to be damned difficult for me to afford it.

Nobody ever said democracy was cheap, but I want to point out that in the last election — this is public information that can be found on the Internet or anywhere else; it's published after the election — my campaign expenses amounted to \$39,000. I said at the outset I had to go out, along with my friends and supporters, and raise that money.

The stakes are going to be raised even more. Not only are our ridings going to change, but they're going to increase in size, and subsequently some might suggest that therefore the campaign expenses should go up. But besides the signs that we spend money on, besides the campaign material that goes to the households, there are campaign offices that have to be set up. Rent has to be paid on them.

Telephone expenses are extraordinary in a campaign. All of us know what it costs even to have a phone changed in our house or a location changed, and it was only a few nights ago that I was speaking to another bill where the provincial sales tax is not going to be charged on 25-cent

telephone calls any more, and I said all it's going to do is put money in Ma Bell's pocket. The consumer isn't going to benefit from it. So we know the cost of telephone expenses.

There are some travel expenses, of course, that the candidate incurs, and in this case, at least under this legislation, and if my memory doesn't fail me even in previous legislation certain travel expenses didn't have to be included in your overall campaign spending limit, but you certainly have to have the money to do it. It doesn't matter in some instances whether it's in the limit or not.

You take that \$39,000, and in the last campaign, in the 1995 election, the eligible spending limit for my riding of Essex South was \$47,000, so out of a possible \$47,000 I and my campaign committee saw fit to spend almost \$40,000. Had we kept the same spending levels, only with the increased size in the riding, the increased number of electors in the riding, that spending limit would have gone from \$47,000 to \$53,000, a modest increase based only on the fact that rather than having some 89,000 electors or constituents, my constituency under this next election campaign will go to 110,000, a modest increase if we apply the same spending dollar amounts per voter this time as we did the last time.

But let me tell you what happens this time around. That spending limit goes from \$47,000 to almost \$74,000. Nothing says that I have to spend the total limit, but let me tell you this: If I'm the ordinary person who wants to seek public office and I don't have the financial resources that some have, not only was that \$47,000 a significant figure, but certainly the new limit of \$73,000 is even that much greater and more difficult.

**1840**

You get into an election campaign, and although one of the priorities is to watch that spending and minimize the spending, the dynamics of an election campaign kind of take over and sometimes you're forced to consider at least matching what the opposition is doing so that you can get your message out as well. The dynamics of an election campaign, believe me, are not only exciting but can be difficult to judge. It can be difficult to decide just exactly what you should do.

Just a week or so ago, I had a fund-raising brunch with many of my friends and supporters, as we have done for years and as was done for years before in the riding. At the end, when I was thanking those who had attended, I stood there and I had my wife, Joan, at my side and I said, "Joan will attest to the fact that there are two things I don't like to do: One is spend money and the other is raise money," because it's difficult to go out and ask your friends and supporters to contribute to your campaign — not an easy thing to do.

I want to point out to those in the Legislature who already know it, but also to those who may be watching who don't, that the minister, when he introduced the bill, said: "It is going to save the taxpayers of Ontario money. We're going to have a permanent list of electors. We're going to save administrative costs with this new bill." Let me tell the people of Ontario that the taxpayers of Ontario share that increase in the spending limit, if I go to it, from

\$47,000 to some \$73,000. Contributions to election campaigns are tax-deductible. The limit that may be contributed to our campaigns now, where big business can give more money to election campaigns, has increased. There's a tax-deductible component to that.

I just took my own riding as an average because this government likes to look at averages when it comes to class size, don't they, my colleague from Sudbury?

**Mr Rick Bartolucci (Sudbury):** Yes, right.

**Mr Crozier:** They like to look at averages, so I just took the average. You know what it's going to cost the taxpayers of Ontario because of the increased spending limit and the tax-deductible portion of it? Somewhere in the neighbourhood of \$50 million. As we know, we receive a subsidy that's paid to each candidate if we receive 15% of the vote. I don't argue with that philosophy and I suggest the reason it was brought in was to make elections more affordable to the average person. These subsidies that were paid to candidates were brought in not too many years ago. If you receive 15% of the vote, you then can receive up to 20% of what you spend on your campaign. Assuming that you spend the total amount, in my case some \$70,000, you can receive \$14,000 right out of the taxpayer's pocket.

For the minister to stand and say that this bill is going to save money — I want the taxpayers in the province of Ontario to understand full well that they're making a contribution to it. As a beneficiary of that, I'm certainly not ashamed to stand here and point that out. I don't know whether this bill is going to save money overall, but it's certainly going to cost the taxpayers of Ontario more money in that respect.

There are certain campaign expenses that need not be included in the limit. One of those is polling. Polling has become an integral part of campaigning. I know it goes on day by day. The government polls; the opposition parties poll. But in an election campaign there are what they call rolling polls. In other words, those who are out there in the electorate don't know it, but political parties are trying to determine day by day how you feel about the election. Polling is not going to be included in it. So you take that spending limit of mine, \$73,510, and I can spend money on polling, if I have the money, but it won't be part of that overall limit.

When you take some of the exclusions that don't have to be included in the limit, it may be that some candidates could spend — I certainly won't be able to — upwards of \$100,000. That's where I personally feel election campaigns are becoming too expensive, they're becoming too Americanized. That's mainly the reason I'm opposing this bill.

I think it would have been appropriate had we applied the same spending limits, notwithstanding that there are other opinions around the House, there are other opinions on this side of the House as to whether it should be the same spending limit as the feds or whether it should be something different than that. I happen to be one of those who subscribes to the fact that, simply, if there are more electors in the new boundaries, then apply the same



spending limits as we had before and increase it by that amount, in which case, as I told you, the spending limit in Essex South, or the new riding of Essex, would have gone from \$47,000 to almost \$53,000, a manageable amount.

I obviously would have to increase the amount I spent in the last election, because I think the number of households in my riding goes from 28,000 to somewhere into the 30,000 range, and we have to contact each household. That would have been a better way to do it, to make the possibility of serving in this chamber more possible.

Again, from a personal viewpoint, I can recall very well the first day I arrived here. It was in December 1993. I had been elected in a by-election. I don't know whether the deputy clerk remembers this or not, but she walked me through what I was going to do that day. When we came into the chamber and looked at where I was going to sit, I said, "Could you leave me alone just for a few minutes because I want to look around." I'd never imagined in my life that I would be here. It wasn't an original goal of mine. But as time went on and I was involved in municipal politics, it became a possibility. I never imagined that I would stand in this House. That was a moment I'll never forget.

My point this evening is that I don't want it to be a moment that can be denied anyone. Everybody in this province should be in a position where, if they want to take part in the democratic process, they should be able to. Money should not be an exclusion. I'll do it. I'll run, I'll raise the money and I'll beat whoever the competition is, I hope. That's where the praying of my friend the member for Renfrew North comes in — a lot of praying. I want that opportunity to be available to every man and woman, young man and woman, in Ontario. Quite frankly, this bill makes that more difficult in that it raises the bar.

#### 1850

Sure, it makes it easier for the government in power, because they can collect more money. That's just the way it has always worked: The government in power has more access to the funds that are available to support politicians. Again, I don't think that will ever change. It's my hope, of course, that when the next election is called we will form the government and someone else will have that problem to worry about when it comes to fund-raising. But it just seems to me that we're making money such an integral part of this that it may be out of reach for some. I would hope that as we go on and discuss this bill, some others give that the same consideration.

#### Interjections.

**The Acting Speaker (Mr Gilles E. Morin):** Order. Keep your voices down.

**Mr Crozier:** Well, they're the rich ones over there. They don't have to worry.

#### Interjections.

**The Acting Speaker:** Excuse me. Could you keep your voices down. Just keep it down.

**Mr Crozier:** I'm going to start charging you on my time, and that way I'll raise some money.

Sufficient to say that there are parts of this bill that I object to because of the fact that it's starting to put the

most sacred part of democracy, that is, representation, out of reach of the normal person. Although I think it's a bit beyond hope at this stage of the game, since the government has introduced the bill and they have the numbers to go through with it, I just hope you think about some of the people out there who might follow us and who would like to have the opportunity of participating in democracy at a price they can afford.

As I said, that's my personal opinion. I know it varies among the 130-some-odd members of the House, but I hope throughout this debate we can keep at least some of the points I've raised in mind.

**Mr Bud Wildman (Algoma):** On a point of order, Mr Speaker: Is there a quorum present?

**The Acting Speaker:** Would you please check if we have a quorum.

**Clerk Assistant (Ms Deborah Deller):** A quorum is not present, Speaker.

*The Acting Speaker ordered the bells rung.*

**Clerk Assistant:** A quorum is now present, Speaker.

**The Acting Speaker:** Questions or comments?

**Mr Tony Martin (Sault Ste Marie):** I just wanted to commend the member who spoke on making a very important and valid point re this piece of legislation. This is a move by this government to take us further down that road towards an American-style democracy and political system. One only has to look at the situation of most of the people who occupy seats in government in the United States. I heard our leader, Howard Hampton, say the other day that there isn't a senator in the United States now who isn't a millionaire. That's not the Canadian way.

The Canadian way, as I remember it and experienced it, is that if you have aspirations to political life, if you have within you a desire to make change in the way we all live together and create community and support those who need support and work towards more growth in a particular region or province, you simply have to work hard at it and get to know a lot of people who might support you in an attempt to run for a particular party, perhaps even run as an independent. But you'd never for a second think you couldn't do that because you couldn't afford it, because that wasn't the way. You could run for a school board, municipal council, provincial office or federal office in this country without worrying too much about whether you had enough money to do that.

If we continue down this road being set by the government in the changes that are being made unilaterally under this bill, that's exactly where we're going. The first question people will ask themselves when they think about the possibility of a life in politics is, sadly and unfortunately, "Can I afford to do this?" That's really not the Canadian way.

**Mr Jack Carroll (Chatham-Kent):** It's a pleasure to comment on the speech by the member for Essex South. It has become very typical in our House for the Liberals to deal with every issue in terms of money. They believe that the challenges facing us in education are solved by spending more money; the challenges facing us in health care are best solved by spending more money; the challenges

involved in dealing with social services, spending more money. They haven't told us exactly where they intend to get more money from, but our assumption of course would be that they would have to get the extra money in the same place that the third party has said they would get it from, and that is from raising taxes.

Now we get around to the issue of election financing. The member for Essex South tells us the only way you can win elections is by spending more money. Quite frankly, history will show us that this is really not true. If spending more money is what would be required to win elections, there are many cases — one that notably comes to mind for me is the mayor of London last time around in the municipal election in London, who, based on principle, spent virtually no money and still became the mayor of London. History will show us that spending money is not the answer to getting elected.

I believe the electorate in our province is very sophisticated. They understand and will reward performance. I believe those of us who demonstrate to the people of the province that we've made commitments and that we honour the commitments will be rewarded by the electorate. It will have nothing to do with how much money we spend.

The Liberals, on the other hand, may be in a position, because they don't really have any particular policy that they're standing on, that they may believe the only way they can stand to win is by spending more money. If that's the case, they can spend the money; we'll get the votes.

**Mr Conway:** I simply want to say that as one person who actually listened to the speech, I thought it was a good speech and a very poignant recitation of one person's run for public office at this level. I must say that there are few people here who represent electoral districts that appear to have the kind of political stability of the member who spoke, my friend from Leamington.

The previous speaker from Chatham makes a point about the spending of money. He's actually right: The spending of money does not guarantee results. The California Democratic primary of last week or two weeks ago proved that point. But the politicians get in trouble more often with the raising of the money. The Pacific scandal wasn't about how Sir John spent the money; it was about how he raised the money.

The difficulty here is we have a proposition before us that has the effect of substantially raising the spending possibilities of the central party. One of the real difficulties with this policy is that it strengthens even further the already too tight grip of the leader's office, of the central party office, on our electoral system. I don't think that's something to be encouraged. I think there's a balance there. Unlike some members of the government back bench, I don't have a problem with the leader of the party signing my nomination papers, but I do have a problem about what this policy does in terms of raising the spending levels for the central party.

Can I just make — I'm going to sound like a school-marm. I thought the member made a good speech. So many of you make good speeches, particularly at night.

Can we please try to listen to the speaker? To the extent that we can't be polite, let's get out of here and let people who want to listen to good speeches do so, because there's some pretty rude behaviour here.

**Mr Wildman:** I would second the comments of the member for Renfrew North. I would just say that in listening to the member for Essex South, I found his expression of his own personal experience and the feelings on running for election here and getting elected to this place in a by-election really interesting.

I must say that I agree with the member for Chatham-Kent that the amount of money spent doesn't necessarily relate to whether or not an individual or a party gets elected. That's quite true. His logic seemed to be that if the Liberals, as he put it, wanted to spend more money, the Tories would get the votes. He was confident of that. If the member really does believe that the less you spend, the better chance you have of winning, then I would ask, why is it that this bill raises the limits? Why not lower them? It follows that it doesn't matter how much you spend, so therefore we don't need to have higher limits; we can have lower limits.

**Mr Carroll:** — keep the promises.

**Mr Wildman:** So your promise was to increase the amount of money spent in elections. Is that what your promise was?

**Mr Carroll:** The same as all the other provinces.

**The Acting Speaker:** That should not be an exchange.

**Mr Wildman:** The member for Chatham-Kent seems to say that the reason they are raising the limits is because they promised to do so. I don't quite understand that.

The point is this: If we raise the limits and we allow for unprecedented amounts of spending by the central party on advertising, polling and touring the province, we have to raise that money, and it's in raising the money that you run into problems.

**The Acting Speaker:** Member for Essex-Kent, you have two minutes.

1900

**Mr Crozier:** I want to thank the members for Sault Ste Marie, Renfrew North and Algoma. The member for Algoma may remember the first day I joined the Legislature. You were the minister I asked my first question to. That was a memorable experience.

To the member for Chatham-Kent, I wouldn't have thought you would give any other kind of answer. You talk about money. You're darned right money's the bottom line. You're tearing the guts out of education by taking money out of it. You're taking the health care system and saying you're going to spend more money in it. The reason you're going to spend more money in it is because you're going to pay off an awful lot of people you have to lay off. People who are waiting in emergency rooms don't believe you're spending more money.

You made my point exactly, member for Chatham-Kent. If money doesn't buy elections — and the member for Algoma said the same thing — then reduce the limit. I challenge you to spend half your spending limit in the new riding that you're going to be running in. If you believe



what you said, you just spend half of what the limit is. I'll bet you won't do it. So you made my point exactly. You guys are raising these limits so that the ordinary person won't be able to run for office, and then you stand there, very holy, and say, "But money doesn't do everything." Then why are you raising the limits? I challenge you to stand on your word and go to your minister and say, "Minister, let's amend this bill and reduce the limit."

**The Acting Speaker:** Further debate? The member for Hamilton Centre.

**Mr David Christopherson (Hamilton Centre):** Thank you very much, Speaker. I'm sure you are aware that I'm now doing the deferred leadoff for our party.

**The Acting Speaker:** I am now.

**Mr Christopherson:** Okay, good. Here we go.

The first thing I want to do is comment, as I would have if I had been in the House on the day the bill was read and debated for the first time on second reading, on the opening statements of the government. In this case Mr Grimmer, the member for Muskoka-Georgian Bay, filled in for the minister. Is the member for Muskoka-Georgian Bay the parliamentary assistant? Yes. I suspected that. It seems appropriate to start by responding to a couple of things that you said, and then I'll move into some other areas.

In the second paragraph, after what a great pleasure it is for you to be on your feet, it's interesting that you state — this is from Monday, June 15 — "I think this is certainly a piece of legislation that is worthy of debate." Guess what? So do we, so does the other opposition party, and I suspect there are an awful lot of Ontarians who would like to see a debate.

But we're not having a give-and-take debate. What you're doing is providing the bare minimum time allowed under your new rules to talk about this in the House, and then you're going to ram it through. That's not debate; that's you barely tolerating the opposition.

In terms of the general public, it's downright insulting. It's insulting you would deny them their democratic rights. Might I say it's also insulting overall for you to believe that there are people sitting at home listening to this debate or following the Hansard the following day through the Internet — and believe me, there are a lot of people who are, growing numbers — who have watched what you have done to this province, to the most vulnerable in our society, all the things that you've done against those who have the least and for those who have the most, and that for one nanosecond you would actually think that those very people would believe you when you stand up and say: "This isn't about money. Money doesn't buy elections. That isn't what we're doing here."

Damn right it is. That's exactly what you're doing. You're changing the rules of running the election and financing the election in a way that suits you and your moneyed friends. That's what's going on here. I think all of you who are stupid enough, in my opinion, to be coned into standing up and debating this as government backbenchers ought to be thinking twice about what the folks back home are thinking about this new law that

you're ramming through, this anti-democratic, pro-corporate, pro-money election bill, because if you don't answer those questions today, you're sure going to have to answer them on the doorsteps come election time. If you think they're going to forget, guess again.

**Mr Alvin Curling (Scarborough North):** On a point of order, Mr Speaker: I don't think there's a quorum in the House.

**The Acting Speaker:** Would you please check to see if we have a quorum.

**Clerk Assistant:** There is a quorum present.

**The Acting Speaker:** Thank you. The member for Hamilton Centre.

**Mr Christopherson:** I was talking about the comments of the parliamentary assistant on behalf of the minister who is carrying this file. He is saying that it's worthy of debate. My point again is the fact that there ought to be a real debate. There ought to be an opportunity to have the kind of input that this deserves and that it has traditionally had.

I think there are two parts to this, two key things that are relevant for people who care about this election that's coming up, how it's going to be run and who's going to be funding it. The first part is the process. The process around this is, again, unprecedented in terms of its anti-democratic nature. The second part of what's happening here is the actual substance of the bill. So I propose to speak to those two parts of what we have in front of us.

First, the process: There was a committee set a couple of weeks ago, with a representative from each of the parties. Minister Hodgson was one of them, Dwight Duncan from Windsor-Walkerville was the member for the Liberals, and I was there as our representative. From this point forward, I'm only going to speak on behalf of myself and our caucus. I won't say anything derogatory about the Liberals in terms of process, but I won't speak for their motives or how they position themselves.

I walked into that meeting and I made it very clear to the minister on behalf of our caucus that we were indeed prepared to sit down and negotiate. I've spent a lot of time at the negotiating table and I was quite prepared to roll up my sleeves and begin to talk about upgrading, updating and making some positive changes that would indeed reflect the changes that you've already imposed, mainly the larger ridings.

But the minister refused to accept and commit himself to the process that had always been followed, when the law was brought in in 1975 and when the law was last amended in 1986. That process, very simply, was a recognition that the election laws and the financing of elections are not the purview or personal domain of the government in power. That is something that affects every member of this House and, more importantly, affects every member of the province. We are all responsible for ensuring there is a fair and level playing field when we go out to elections, because without that we lose the very foundation of democracy.

When South Africa, for instance, held their first election where the franchise was finally granted to

everyone, regardless of the colour of their skin, there were observers from around the world. Why? Because just saying you're having an election is not enough. We saw what happened in eastern bloc nations for decades. They pretended to have elections too. The problem was that there was only one candidate on the ballot. So there were observers from all around the world who went to South Africa to ensure to the international community that the rules were fair so that the expressed will of the majority had an opportunity to show itself.

That's why it's so crucial — was, still is and always will be — that there be a fair process whenever one attempts to change the rules for elections and the financing of elections.

#### 1910

Once the minister took the position that, "Oh no, we're not going to follow that process. I want to negotiate with you, Dave. I'm all prepared to negotiate. I'm going to roll up my sleeves too. But oh, by the way, if I don't get what I want, I still reserve the right to unilaterally bring in legislation that reflects what I want," which of course is exactly where we are today, how the hell is that fair negotiation?

You walk in there and you attempt to negotiate something and you're using the usual leverages and quite frankly the brokering that takes place where you're trying to make a fair tradeoff so at the end of the day you can get agreement. That's how it happens. That's the real world. How can you possibly do that when one of the parties sits there with a gun behind their back and refuses to leave the gun at the door? So we said, "If you're not prepared to follow the democratic tradition of this place, wherein all of us agree or nothing changes, we don't have negotiations," and those negotiations broke off at that point.

Then it was interesting. There were phone calls over the weekend. I talked to the minister. He indicated to me that they might still be willing to listen to any amendments we might have. Of course, in my mind nothing like that was going to happen until we had the agreement the government wouldn't do what they're doing now, which is this massive power play. But I at least heard the message, said that I would talk to my House leader and get back to him at the beginning of the week.

On the Tuesday of that week, just before the House opened for the day, our House leader was approached by the minister again, talking about some kind of meetings. While my House leader in the lobby, right through that door, was telling me this and we were touching base on the issue, I happened to glance over his shoulder at the TV monitor that's in the lobby and shows what's happening here in the House and I saw Minister Hodgson on his feet. He was talking about election finances and about the election laws. I said to Bud, "They're doing something on this."

We had no notification, no notice — nothing at all. We come ripping in here, come into our seats and, sure enough, they're introducing this 36 with all these changes.

Then, to add absolute insult to injury, the minister didn't even have the guts to stand up and make a min-

isterial statement defending himself. They did it on the same day that the Hydro bill was brought in because they hoped that would provide the media coverage where this thing wouldn't generate the kind of headlines it should. Talk about low, sneaky, underhanded and gutless — absolutely incredible that a minister of the crown would attempt to introduce such a far-reaching bill as 36 in such a fashion and then not even have the guts to stand there and defend it.

Do you know why? First of all, they're trying to downplay in the media, but second, as people in this House and I suspect a lot of people watching know, when a minister makes a statement in the House about a major government policy initiative, there's an opportunity for the opposition parties to respond, but if they don't make the statement, we don't get the time or the opportunity to stand up and offer up what is our constitutional responsibility, which is loyal opposition to government initiatives and pointing out where we think they're failing the people of Ontario and failing to meet whatever promises they said they would keep.

That's why that's there. You will know that's even more vital now than it's ever been, given the fact that they've clamped down on the rules to the point where we only get a fraction of the amount of time to enter into so-called debate in this place in the first place. That kind of thing is crucial, and yet that's the way it unfolded. That's the underhanded fashion in which this anti-democratic bill, this election-fixing bill was introduced into this House.

I say shame on the government and shame on that particular minister. I've known him for a number of years and I would not have suspected that type of what I would call dishonourable activity. I was very surprised and disgusted that he would lower himself to conduct himself in that fashion. I really was, and on a personal level I really think he ought to be ashamed of the way he handled himself in this case. As for the government overall — well, typical.

Let me now spend a few minutes just reflecting very briefly on where we've been with this government in terms of their anti-democratic methods. People will remember Bill 26, the omnibus bully bill, the bill that, among a lot of other things, created the Health Services Restructuring Commission, that monster that moves across the province, closing hospitals in every one of our communities. That entity was created by Bill 26. Bill 26 was introduced into this House a couple of weeks before the Christmas break. Sound similar? This House adjourns next Thursday. There's a pattern here. They introduced that bill a couple of weeks before and said, "Under no condition are we adjourning here for the Christmas break until we've got that law, public hearings be damned."

At the end of the day, it took all of the opposition benches from both parties to physically stand around Alvin Curling, the member for Scarborough North, to prevent him from being bodily removed from this place. We held this House — yeah, it was hijacked. No question about it, there's no other way to describe it, but I would say it was one of those times when people have an



obligation to do the right thing. You had to be stopped from what you were doing and at the end of the day you did cave — not much. We got a few more hearings into the new year. There was still no more than three or four weeks in total, split between two committees happening at the same time, very little time for preparation. People were scrambling. It was a huge, mammoth bill and we're still feeling the implications of that.

That was when we knew that we had a group of legislators and a government unlike anything we had ever seen in Ontario. No government had ever dared to act in such an undemocratic fashion as that, and yet you did. You did, and I specifically remember saying at the time: "You're going to live that down. You will regret that you've done this and it will haunt you forever." I still believe it and believe it more now than I did then, given the other things that you've done.

What are the other things you've done? We didn't just have a few amendments to the Ontario Labour Relations Act. We had a whole brand-new act introduced in here. It wasn't about revoking Bill 40, which was shameful enough now that you've made scabs legal again and given your corporate pals the balance of power at the negotiating table. That wasn't good enough. You completely rewrote the legislation. From what we understand, you started it before you even had the transfer of power take place, and it was written by outside lawyers, not lawyers here. It was written by your corporate pals for your corporate pals. Not one minute of public hearings on a brand-new Ontario Labour Relations Act — unheard of and shameful.

Bill 99, WCB: I had commitments from the minister — *Interjections.*

**The Acting Speaker:** Order. I can't hear when you hold conversations. If you want to hold them, hold them outside, not inside. Do it like you're in a committee. You don't tolerate that in a committee and we don't tolerate it in the House.

**Mr Christopherson:** Speaker, you've got to be kidding. You can't hear me? That's never been a problem. I've had a lot of people disagree here, but can't hear me? My God, I expecting they're hearing me half a mile away from here. Given this issue, if there were a rooftop to scream from, I'd be on that too, given what's happening here.

1920

I was talking about Bill 99, when I got the commitment during question period from the Minister of Labour about province-wide public hearings on the stealing, quite frankly, of \$15 billion from injured workers, and again a \$6-billion gift to your corporate pals, that there would be province-wide public hearings — "Oh yes, don't worry, we're going to do that" — got that commitment on the record. What did that turn into? Six measly days in the dead of summer. We had four weeks of hearings on Bill 49 when they took away rights from people who don't have the benefit of a union in the Employment Standards Act.

**Mr John R. Baird (Nepean):** And I've got the scars to prove it.

**Mr Christopherson:** Yes, that's right. The member for Nepean has the scars to prove it.

That was a bill they said was minor housekeeping — no big deal. We got four weeks of public hearings and they were trounced in every community they went into. On WCB, which even they acknowledge was a huge bill, what did we get? A few days in the dog days of summer.

**Ms Frances Lankin (Beaches-Woodbine):** They want the condo act to go out to hearings when everybody agrees.

**Mr Christopherson:** My colleague from Beaches-Woodbine reminds me that as this bill is being rammed through, and Bill 31, another one of your union-busting bills, which I'm going to speak to very briefly, is also being rammed through and we can't get any public hearings on those, they've advised us, "Yes, we want public hearings on the condo act." What a sham.

Bill 22: Another anti-worker bill is going through a legislative committee right now.

**Mr Jerry J. Ouellette (Oshawa):** What's it do?

**Mr Christopherson:** What does it do? It just denies certain citizens in the province their basic fundamental human right of association and the right to choose whether they want to join a union or not join a union. If you're under their forced labour policy of workfare, you don't get an opportunity, you're denied those human rights. Let me tell you, on that one we're being flagged now by international bodies who are saying: "Dear God, what's going on in Canada? How can this be happening?" Canada and its provinces are held up as models of democracy. And on it goes.

Lastly, Bill 31 is the anti-union bill right now that's about to cause major disruption and chaos all across the province in the construction industry, and today they served notice that they're bringing in time allocation.

The Speaker is indicating to me to make it relate to this. I'm relating it to this because it very much talks to democracy and I'm pointing out the anti-democratic record of this government. With respect, I would say that's very relevant to what we're talking about here because our premise is that all of Bill 36 is undemocratic and goes against the traditional grain of what democracy is.

Bill 31: You've now advised us that you're going to shut down debate on second reading — no amendments, no public hearings — and you're going to ram it through in one day. I would say to anybody at home who's involved in the construction industry, or if you've got a spouse or a family member or neighbours, and you care, you'd better start calling your local MPP, particularly if they're a Tory backbencher, and tell them that this is outrageous and unacceptable, because if you don't, by Monday evening there's every likelihood that Bill 31 is going to be the law of this province.

Again, what happened with this bill? First of all, there's no all-party agreement, which we've always had traditionally. That didn't happen this time. No public hearings; I guess it's one thing to say to the opposition, "You don't get your traditional say any more," but by having no public hearings you've said to the public: "You

don't have a say at all. You don't have a say through the opposition members and you're not going to get a direct say." This is not about you, Ontario citizens; this is about the Tories fixing the next election.

You don't have the guts to stand up and defend it when you introduce it and you don't have the guts to take this bill outside this place and let the public comment on it, because you know that you'd get your clocks cleaned once people got a hold of this and started to look at it and what the implications are for the next election.

You say this stuff about, "Oh, we're just following the all-party recommendations, the commission that has all-party representatives on it, we're just following what they say," and with that you sit down and think that's the end of the argument. Let's just take a closer look at that.

First of all, the commission's recommendations are important but they're only advice. It's just recommendations. At the end of the day, it's what happens in here that counts. If it weren't that way, then why not just give them the power to enact the laws themselves? You could create such a law that allows them to do everything by guidelines, by policy or perhaps by regulation, with the understanding that the cabinet wouldn't dare touch them and they'd just rubber-stamp them through. If that's the way we wanted to set up the commission, it could be done. It's not.

So yes, there was all-party representation on that. That is not the same as the kind of public scrutiny that a bill of this nature deserves or the parliamentary consideration that this deserves, recognizing at the end of the day that the commission doesn't change the law, legislators do.

Second, the recommendations of the commission are not all that's in this bill. There's a lot more in this bill — a lot more. As a matter of fact, there are at least 23 changes. My leader, Howard Hampton, and I held a news conference today and pointed out the fact that there were 23 changes that aren't in that report. They're not in there. They didn't make those recommendations. So this argument where you stand up and say, "We're just reflecting the recommendations of the commission that had all-party agreement in it so why is the opposition now upset?" — we're upset for a whole lot of reasons, not the least of which is that some of the most damaging things and some of the things that are going to help you as Tories more than others the most weren't recommended by the commission, yet you still feel that you have the right to ram this legislation through, deny the opposition parties their traditional role in reaching all-party agreement and, worst of all, deny the public any say. At the end of the day, only you had any say in what goes into this law. Nobody else is getting any input that matters.

Let me take a look at some of the things that are in here. Are these minor issues? I was reading Hansard and I've been watching some of this while I was in the House. Listening to the backbenchers, they all talk about some of the minor things and they say, "Why can't the opposition agree to these things?" I say that a lot of those things were the very things that I was prepared to roll up my sleeves for and say, "Yes, we can agree with that."

For example, when you stand up and say that your law has to be done right away — by the way, why did you wait so long? Why did you wait until certainly half the term has gone by? There's no reason to rush this. Here we are, the last two weeks of the House before the summer recess. Who do you think you're fooling? There's no justification. The only thing that comes close to even a minor resemblance to justification is when the minister and members of the government stand up and say, "It's going to save up to \$15 million to implement this bill." Guess what? The lion's share of that money that's to be saved comes from a permanent voters' list. As I understand it, using the commission figures, it's between \$10 million and \$11 million of the \$15 million you say the whole bill is going to save.

I'll tell you what. You withdraw Bill 36, introduce that as a separate bill, and on behalf of our caucus you can get unanimous agreement to put it through in one day, if you promise to take the rest of this and put it out to the public. You want to save that \$10 million or \$11 million? You want to be seen to be democratic? You honestly want to show that you care about the democratic process, you care about fair elections in Ontario? Introduce a separate bill that makes that change and I guarantee you we'll give unanimous consent to put it through in one day. Not a problem. In fact, if you pull back Bill 36 and pull back from this anti-democratic process, I'll tell you something else: There's more of those things that your backbenchers keep standing up and saying, "Why aren't you guys supporting this," that we will. We'll put that into the bill too. We'll identify all the things that are in agreement and we'll put them in that bill. I'm willing to bet that the Liberals would feel comfortable with this too. We'll do it in one day, and then the balance that's left over, let's just take it out to the public and see what they have to say.

### 1930

You already said there's not going to be an election this year. Huh. Like we're going to count on that. But you've said that. Your Premier has said there won't be an election this year. What's the rush? Do you want to save the money? Fine. We'll pass that bill. Do you want to agree to some of the other minor changes that should have all-party agreement? Fine. We can do that too and we'll pass that before we leave here. What is to stop you from doing that and taking the rest of the controversial issues, given the nature of how you've introduced it and how it's going to change the face of elections in Ontario, and putting that out for public consultation over the summer, and then bringing it back in the fall? How about that?

I'd like to hear a government member, as part of their two-minute responses that three or four members are entitled to after each of these speeches, point out to me where that is so undemocratic or so impossible or unreasonable that you can't possibly consider it. I'd like to hear those arguments. I can't imagine what they'd be. Because the one argument that's true, and you can't use, is, "But, yeah, then people would know that we're fixing the rules to help ourselves." That's the real reason you won't do it. That's why you won't do it.



You know that if we went out into the communities of Ontario and showed what you're doing here and how it affects you, the overwhelming majority of people, a lot of your own supporters I'll bet, who believe in the democratic process and who believe in fairness, would say, "This thing stinks." So I put that to the government. I offer that to the government. If all you care about is money, let's do it. And then let's let democracy take the rest of its course, and let's put the rest of your bill out to the public and see what they think.

After all — because you need to be reminded — it's not your province. You don't own it, and you certainly don't own the elections. At least you don't under the current rules. It belongs to the people of Ontario. You got elected under one set of rules and now you want to turn around and change those rules when you've got to go back to the public. And you think people won't pick up on what you're doing. That's so insulting to the people of this province.

I'd like to spend a little time now — that's half my time, talking about the process. I now want to move to some of the substantive items that are in front of us. I say there are at least 23 changes that are not in the commission report that are a part of your Bill 36. What are some of them? Because some people might say, "Well yeah, if they're just minor changes, Dave, you're making a big deal out of nothing." Let's take a look at what you put in the law that nobody gets a say in — nobody — that is different from the commission's recommendations, which you're using as an excuse not to give anybody a say. What are those recommendations?

Well, well, well. Look what we have here. "Increase corporate tax deductions more than 100%, and increase that amount every five years." From \$7,000 to \$15,000 for corporate tax deductions, contributions. Now I've heard the government, as they try to deflect this, talk about the Liberals. But that's not really the point. The fact of the matter is you're rolling in money, your party, and a lot of it is coming from corporations. Let me tell you, if it's not coming directly from the corporations, it's certainly coming from the wealthy people that run them. That's what this says, "Increase tax deductions more than 100% for corporations."

Our party spent probably the better part of two years travelling the entire province in our Dialogue for Change process, which culminated in a number of important policies being adopted at our convention in my home town of Hamilton, which will of course find their way into our election platform. We talked to thousands of people, and not just our own members. We reached out to communities. We talked to people who weren't active in any party. We talked to people who were members of all the parties.

Do you know what they did not ask for, anywhere, once? "Increase the amount of money, please, that could be contributed by corporations to political parties, because we think that will make a better democracy." We didn't hear that. We heard an awful lot about wanting more nurses, wanting more emergency room services, about

higher-quality education, about a healthy environment, about fair labour laws and a whole host of issues. But not one person said: "Increase the amount of money that corporations can give in elections. Oh, and while you're doing that, increase the amount of money the central parties can spend." Nobody asked for that. The commission didn't ask for it. We didn't ask for it. I haven't had a single phone call asking for it. None of our people heard it out on the road. I wonder where it came from.

It came from the whiz kids in the Premier's office and the backroom folks in the PC Party. That's where it came from, and it's there because it's an advantage to the government. It really is insulting that this government thinks people won't figure that out, that they can't see past your political smokescreen.

I really think there's a chance — no guarantee; one never knows in politics — but I just have this feeling in my gut that this could be one of those issues like the early election call that former Premier Peterson made. The issue never went away, and it became one of the defining issues of that election. I just have a hunch that your gerrymandering the rules and financing is something that's just going to stick in people's craws, and I think you're going to have a real problem with this one. Maybe not, but I have a hunch.

What else was not recommended by the commission, the commission that you're standing behind, hiding behind, when you try to justify being so undemocratic? Increase the central party campaign spending from 40 cents to 60 cents. That doesn't sound like a lot, until you do the math. When you do the math, guess what? Another \$1.3 million can be spent by central parties; an extra \$1.3 million can now be spent by the central party campaign under Bill 36.

Interestingly, the government makes the argument that with these bigger ridings we need to have a little more money. You know what? To some degree, there's some validity in that. They are bigger ridings. Whether you just use the existing formula and extrapolate it or whether you do factor in that it has been a number of years and there has been some inflation that needs to be accounted for, all those things are valid and I think would have been part of the focus of real negotiations if the government had allowed them to happen. Certainly I was open to trying to reflect rules and laws that reflect reality and fairness, and some of those things, given what you've done to the riding sizes, may indeed have some legitimacy.

But in terms of central party spending, when did the province get bigger? The ridings may be a little bigger, but when did the province get bigger? Did we suddenly annex Manitoba? Is there something happening in the background that you haven't told us about in terms of redefining the size of the province? The central spending is meant to reflect just that: central spending for the overall campaign, whether it's ads, whatever you want to spend it on. But it's meant to reflect the fact that although there are riding campaigns, there is still an overall provincial campaign that is run usually out of a provincial central party office. This change gives the government,

because they're the ones who have got all the money — money is not a problem. You've got to remember that the amount of money their friends are making from the legislative changes they've made makes the kind of contributions we're talking about look like pocket change. What matters here is power. That's what's being bought: influence of power.

1940

So \$1.3 million more can be spent in the central party campaign — no justification, no larger province, not recommended by the commission. Where did it come from? It came from the whiz kids in the Premier's office; it came from the backroom folks in the PC Party. That's where it came from. Nowhere else.

You're going to shorten the campaign period from 37 to 28 days. It wasn't recommended by the commission. Oh, I understood that somebody said you could go that low as a result of making some of the technical changes. But saying you can do something from a technical point of view or from a practical, doable point of view is a whole lot different than having someone say, "This is what you ought to do to make democracy better." Two different things entirely.

The shorter writ period has real significance. It has to have a reason or they wouldn't do it. The commission didn't recommend it. We didn't talk about it. The public didn't talk about it. They wouldn't do it if it didn't mean something. You only have to ponder it for a moment. What does it mean?

Well, let's remember that the only people who know when the election is going to be called, under our parliamentary system, unlike the American system, which has fixed dates for their elections, is the government. The government is the only one that knows when the election is going to be called, and that's a distinct advantage. I accept it was an advantage that this government will have, it's an advantage the Liberals have had when they were in power and it's an advantage we had when we were in power. I'm not suggesting that that is so evil that it's only owned by the Tories. I think there's probably going to be a point in time where that does need to be looked at in terms of a permanent voting date, but that's not where we are right now.

What is significant is that we've gone to four weeks. Let's think about how this works on the ground. How does this affect the average person? How does it affect local elections? When you're a member of the government and you know when the election is going to be called, you have your central campaign operation in place, you have your themes set out, you've done all your polling — which, by the way, has no limits any more either, interestingly — you've got your signs printed, you've got your brochures printed. At the riding level, you've got your campaign headquarters open and you've got the phones installed.

There are some real practical issues here, Speaker. You know yourself, as a member of this Legislature, that it can take a few days, especially when the election is called and all the parties are scrambling to get phones connected, to

get your phones installed. For those few days, it's tough. Nobody can reach you. You can't print your final brochure, because you don't have the phone number. You can't do your final candidate card, because you don't have the proper number in place. You can't start phoning people and starting the campaign. It takes some time to get those things geared up.

Government has the advantage of having all those things in place. Boom. The Premier's corporate jet lands, they pick him up in the campaign bus, they bring him over to the headquarters, and on the day of the election he cuts the ribbon, smiling away, and hits three or four campaign headquarters. Meanwhile, everybody else is out scrambling.

Yes, you can argue that everybody sometimes knows when an election is going to be, but you don't know for sure. For those of us who don't have the kind of money you have, it's expensive to open up a campaign headquarters believing there might be an election. That's a lot of money; it certainly is to us folks. The shorter campaign period also means the government is already away and running almost a quarter of the way through the election period before the opposition even have a chance to get into the game in any kind of a meaningful way. It matters.

It also matters that when we talk about the limits, the amount of money that can be spent, the government likes to say: "We've just raised those limits, the riding limits, to what they are at the federal level. What are you complaining about?" Again, it's another one of those things where you've got to scratch a little underneath to find out the true meaning. It's true that's very much a reflection of where the feds are, but the feds still have a campaign that has a minimum time period about the same as what ours is now. When you account for the fact that it's the same federal money over a shorter period of time, you go from \$72,000 a day, in terms of the central party spending, to \$143,000 a day. That's more money than the feds allow, because it's a shorter period of time. Therefore, it's more money per day, and that's where it matters. But we won't get a chance to explore that any further.

Anybody who's sitting at home listening, going, "I didn't realize that. Maybe there is reason to be worried about it," is not going to get a say. They're not going to get an opportunity. Whether they went to the public hearing in their community or not, there won't be the local media coverage of what was said and what were the key issues. None of that is going to happen. By the end of next week, all of this is in the history books — gone.

Abolish the election finances commission and replace it with a government-appointed chief election officer. That will be section 54. The commission didn't recommend that. I didn't get any phone calls saying, "Eliminate the election finances commission." In reading the Hansard, I know my colleague from Renfrew North commented on this at great length. I obviously will not repeat much of what he said, but I think it's very valid, for those who are taking the time to look at this and study the Hansards and what's being said.

Let's face it: Why do they want to do that? They talk about the fact that it's going to save money. Give me a



break. That's the same as when you cancelled and killed the Occupational Disease Panel when you rammed through Bill 99 and said it was to save \$1 million, but you spent \$1 million to change the name of the WCB. This is the same sort of thing. Yes, it's an expenditure. Democracy costs money. If all that mattered was the bottom line, why bother holding the election? You can save all the money. The fact is that in a democracy you spend money in a fair way so that you can hold fair elections.

Having a commission that has representatives from all the parties — granted, it's still this place that makes the final decision, but that is still much fairer, because there are some things, some changes that the commission has the power to do unilaterally. Now we're going to eliminate that and go to one appointee. Who makes the appointment? The government. Isn't that nice? Abolish the commission that has representatives from all the parties, eliminate it and have one appointee. Don't talk about why that might hurt democracy; just say it's going to save X number of dollars.

You did the same thing with the environment ministry when you talked about all the cuts you made there and all the regulatory changes. All you talked about was the changes. It took people like the Environmental Commissioner to report to the public what that meant to the public.

An updated version of the voters' list will be available from the commission. That sounds fair. The trick is that there's a user fee. This is not necessarily a huge item, but it is consistent with the fact that this government is ensuring that those who have money can work this process and this system better than those who don't have money. So out of nowhere — nobody recommended it; the commission didn't recommend it, it didn't come from either of the opposition parties that I'm aware of, it certainly didn't come from us — an updated version of the voters' list is available from the commission for a fee. As long as you continue to make everything money, you always hold the advantage.

**1950**

I just want to comment a bit on this question — and the media have asked the question; they did at our news conference — of: "Are you saying that money will buy any election? Is that a guarantee, that more money will do it?" Is it a guarantee? No, it's not a guarantee. Certainly, the California situation proved it. But let's just look again, scratch a little further. What else happened in California? The person who was leading in spending, who had never held elected office, never been accountable in any way, jumped into the political arena solely by means of money, their own personal money, spent \$50 million and didn't win. Of course, some are saying: "See? That proves that money doesn't buy elections." Except the winner spent \$20 million.

**Mr Conway:** No, \$9 million.

**Mr Christopherson:** My friend says \$9 million. I would accept his number and still feel that my argument is well made, given the fact that this was a primary. So it's \$9 million. I'll tell you, at \$9 million, I don't know about Tory backbenchers, but I know I wouldn't be in the busi-

ness, I wouldn't be in the game. I don't have that kind of money, I don't know people who have that kind of money, and I'd hate to think of what the hell I'd have to do to raise that kind of money.

What else is interesting is that the incumbent senator didn't run because she couldn't afford the entry fee — the incumbent senator. Money makes a difference. Would anybody have ever heard of Ross Perot if he weren't a billionaire? I'm not faulting him for getting involved; he has that right. But think about it: Ross Perot is only known to us because he jumped into the presidential race, and he only jumped into the presidential race because he had the money to jump in at that level. Money does matter in elections.

The other thing that's important to remember: As you increase the amount of money being spent, one has to be reasonable. I want to keep coming back to the fact that one has to have limits. Yes, money is going to be spent, and yes, it's going to be raised from other people, so you need as many checks and balances and as much reasonableness and fairness in the process as you can have. All the more reason to be democratic about it, by the way. But we ought to reflect also, when we look at the numbers of dollars that are being included here, at the amount of time that members of the US Congress and, yes, state legislators, state senators and federal senators, spend out of their daily work schedule attending fund-raisers. Because they can't afford not to; they spend millions.

I realize that's not what we're dealing with here today. But we are dealing with \$1.3 million and the ability of any and every corporation to double to \$15,000 the amount of money they can contribute. Where I come from in Hamilton, that's real money, that's serious coin.

I can remember when I first ran in 1984, visitors up from the States — I really hadn't thought about this point much. When the person who was visiting came into the campaign — it was a friend of one of our volunteers — I talked with him for a couple of minutes. When they found out what I did for a living, which was work behind a parts counter at an International Harvester truck centre, they were absolutely dumfounded. They could not believe that anyone who wasn't a millionaire or tied very strongly to the world of millionaires would actually be a candidate with a chance of winning in a federal election. It was mind-boggling to them. I had never thought about it. I hadn't thought about it that way. I felt really proud; I felt really good about what that meant about our democracy, which is probably why I feel so passionately about this issue. Part of it is the undemocratic nature of it. I know, having sat with a number of the members who are currently on the government benches, if they were over here, what I'm doing and what other members have done with this bill is small potatoes to what those members then would have done. They'd have been apoplectic.

Part of it is the undemocratic nature of it, but part of it is my serious, heartfelt concern that this is the slippery slope, that if we continue down this road, particularly if they get away with it — God, it's bad enough to reflect on what you've already gotten away with in terms of ram-

ming things through and changing the democratic traditions of this place. God, the thought of what you'd be like if you had a second majority government truly is terrifying. It honestly, honestly is terrifying. I worry that this is the slippery slope. If this party is given to govern for any longer than the one term they've now got, I worry about where we're going to be in terms of how elections are run in the province in five more, 10 more or, God forbid, 15 or 20 more years. That truly is terrifying.

One more item, because my time is rapidly winding down. It's interesting that the government is now removing the limits. There are three items I'm going to mention right now, and where they're under limits, they won't be under limits. It won't be decided by the commission in guidelines, which is now the way it is; it'll be entrenched in the legislation. There are three things on which the government — and all of us, but we don't have the money to do it, so it really matters to the government — can spend unlimited amounts of money.

**Polling:** Polling is not just about the reports we see in the media every few weeks about where the parties are relative to each other — who's in first, who's in second, who's in third, who's gone up, who's gone down? That's not the kind of polling we're talking about when we're looking at elections. We're talking about the massive, sophisticated type of polling that allows you to pinpoint with dead accuracy in most cases. It's not a perfect science, but boy, it doesn't miss very often. We don't see a lot of the Truman headlines any more; those sorts of things don't happen an awful lot.

When you do enough polling with enough people, you can have such a focused message — and of course what's scary is that this government believes in pushing a lot of those emotional hot buttons and negative advertising, that whole approach — that you have a distinct advantage over people who maybe have a quarter, a fifth, a tenth of the polling information. A lot of what they're doing is by their gut and experience: what issues really matter, how have people moved overnight, what words to use. That amount of polling is worth its weight in gold because as you go then to spend money on advertising and change your ads and change your messaging, you know the result you're going to get ahead of time.

If it was a fair fight like when it was under limitations, everybody was using the same calibre, if you will, of weaponry and then you had to put your best against their best, but when you take the limit off something like polling, we're out of the game. You're the only one that's in the game in a meaningful way. You could literally spend hundreds of thousands of dollars, millions of dollars on polling, research and focus groups, and you do not have a limit at all.

What else is included in that? Research: That could include anything, any amount of research you want to do, whether it ties to the kind of focus groups in polling I've mentioned or whether it talks about how many people you can put out in the field to respond in how short a time about an issue that broke open. That matters, and it

matters when one party has the ability to do that so much more than any other.

## 2000

The last one of these that I'll mention, because my time is just about done, is travel. Travel doesn't count any more. It used to be under a limit, now it isn't. That matters. It makes a big difference whether you've got the ability to use a bus or a plane, and it matters whether you're using a propeller plane or a jet. Why does it matter? Comfort's part of it, but more important, it's how fast you can move the leader around the province because our campaigns are more and more leader-focused. What the leader is doing, what the leader is saying and where the leader is matters. If they're in your riding, that helps. If you've got the use of a corporate jet at your disposal to move the Premier and his entourage around the province — you can get as big a jet as your friends will lend you, there's no limit — you take the media with you and you just spin around this province.

That is a distinct advantage over other parties that are maybe struggling to be able to provide a prop job to do the same thing. You may only get to a half or a third of the ridings. You may not be able to get back to Toronto, which, whether we like it or not in other municipalities, is still the media centre, is the focus. It is obviously the capital of our province. That matters a lot. That's why you've made that change.

In the last minute, let me just be very clear about the things we would do. The first thing we would do is make sure that the undemocratic rules this government imposed on us are reversed and go back to the point where opposition members get an opportunity to have input, to have a meaningful say in legislation that matters to the people of Ontario. We would ensure that there's adequate time for debate and we would put in the rules that there have to be public hearings on legislation that involves major initiatives. No more of this ramming it through and only the Tory caucus gets a say. None of that; that's got to stop.

The last thing I want to say to you is this: Every one of you, when we ran against the Liberals in 1990 and we won, it was under fair rules and it was a fair fight. When we were the government and went to the people in 1995, we offered you a fair fight. You won it and that's why you sit on that side of the House, but it was a fair fight. We challenge you. Take us on in a fair fight. Don't tie our hands behind our backs. Let's have a fair fight and a fair election.

**The Speaker (Hon Chris Stockwell):** Questions and comments? The member for Durham East.

**Mr John O'Toole (Durham East):** Thank you, Mr Speaker. It's good to see you back in the chair.

In response to the member for Hamilton Centre, I really have to sit here and ask if the people of Ontario are genuinely watching and listening. Fair hearings? May I call to mind the social contract? There were no hearings. None. Not one day. Certainly in this House over the next few days — we're discussing Bill 36 before the people here, people in the House and the people watching tonight.

You know, they make this inference. I'm an average person, five children, working. My wife and I are working



hard. We're not expecting other people of Ontario to take care of us. We're more self-reliant and I think that's what the new generation wants, the young people of the future.

They imply this rich Tory friend thing. I've got before me the very election finance returns. What do we get? I'm looking at the Ontario Liberal Party. They're the richest party of all that went into the last election. We as a party went into the last election in third place, humbled by the people of Ontario, with less money than the Ontario Liberal Party.

What's the average individual contribution? I'm going to give it to the people of Ontario: to the Liberal Party, \$169; to the NDP — admittedly you're humbled — it's \$81; and for us, we're about in the middle — we're the people's people party — \$121. Corporate donations: the Liberals, \$930; \$910 for the New Democratic Party; and the average person, the PC party, \$522. Trade unions, \$409 —

**The Speaker:** Thank you. Questions and comments? Member for Sudbury.

*Interjection.*

**The Speaker:** Member for Durham East, come to order.

*Interjection.*

**The Speaker:** Member for Durham East, I'm not warning you — thank you.

**Mr Bartolucci:** I'd like to congratulate the member for Hamilton Centre for what I thought was a very excellent presentation, and I thought he outlined his case extremely well. What he was talking about was a government unilaterally and arbitrarily deciding that they're going to change the rules of the game and they're going to get rid of the people who oversee the game, the referee. They're going to get rid of that unbiased referee and they're going to replace him or her with a person who is appointed, and all of a sudden no longer are the rules of the game fair for everyone.

I guess that's the essence of what the member for Hamilton Centre was talking about. He spent some time using examples that he would have hoped the government members would listen to, but I think they've fallen on deaf ears. I must suggest to you and to the members across the way that the people of Ontario who are listening heard what the member for Hamilton Centre was saying. What he was doing was outlining what could be wrong with politics in Ontario. You don't want to go to American-style politics. What is the definition of American-style politics to the people in Ontario? They think it's diseased, they think it's decayed, they think it's based on negative promotional programming, and I think the people of Ontario are right.

In reality, what the government is doing is trying to tell the people of Ontario that this is a normal deck of cards. In reality, it looks like a normal deck of cards, but on careful analysis, if you flick it over, you understand that the deck of cards is rigged. It is in fact a deck of cards that's weighted to the party in power.

I would suggest to you that the government would be wise to listen to what the member for Hamilton Centre said, listen to his advice, and make amendments.

**Ms Lankin:** I'm pleased to respond to my colleague's comments. I share his concern with respect to a number of aspects of this bill.

I was very disappointed to hear the tone of the response from the member for Durham East. I'd really like an opportunity in this House at some point to reach across and to try and engage the members of government in some rational thinking, to look at this.

When we talk about the process of three parties being involved in arriving at agreement with respect to this election law the way it has been done in the past and that you are violating that tradition, that's a very important point that I wish you would take a moment and look at.

Democracy is a fragile thing, you know. It's not strong and robust in and of itself. It must be nurtured. It must be tended to. It must be cared for. You can strike a balance in the approach you bring forward that undermines some of the basic tenets of democracy.

One of the tenets of democracy is that it allows for full participation. The changes that you are making here without involvement of the other parties don't allow for full participation. They ensure that people who have access to huge amounts of money can spend huge amounts of money, far beyond what is required for a decent election effort and mounting a decent campaign. The reason the tradition is that all three parties would be involved in those discussions is to ensure that it reflects the balance of those in government, those in opposition, those in the third party — that all those considerations are brought to bear.

When you bring unilateral changes and you don't allow for public debate, you lose that balance of democracy, and that is a sad day, my friends. It's a sad day.

**Mr Carroll:** I appreciate the opportunity to comment on the speech by the member for Hamilton Centre. He's certainly one of our more passionate people in the House. It would really be nice if he didn't have exactly the same argument about everything we do. He would be more credible if he would stand up and say there's some good and there's some bad. But everything is undemocratic; everything is being rammed through. He spent 59 minutes being critical, cutting the process up, and in the last minute — I watched on the clock — he said, "Here's what we would do." What his party would do would be to reverse everything and go back.

He spoke about slippery slopes. They love to use the terminology "slippery slope." The worst slippery slope this province ever got on started in 1990. We got on a slippery slope in 1990 that about drove the province into total bankruptcy. So when he speaks about slippery slopes, we've tried it their way. Their way did not work very well, so now we're trying it a different way.

I hear what the member for Beaches-Woodbine says. It would be nice to once in a while cooperate on something. But when the member for Hamilton Centre is so positive that absolutely everything we're doing is wrong and undemocratic, there's no possibility of extending an olive branch or working together on things with the member for Hamilton Centre. I admire his zeal; I admire his commitment and his passion. It would be nice once in a while to

have him say: "You know, what you're doing is really not that bad. You could make it maybe a little bit better, but it's not that bad." Instead of that, he has the same argument about absolutely everything.

**The Speaker:** Response.

2010

**Mr Christopherson:** I want to thank all the members who took the time to comment: the members for Durham East, Sudbury, Beaches-Woodbine and Chatham-Kent.

In responding particularly to the last member, you give me something that is clearly reasonable and I'll acknowledge it as being such, but the fact is, I think I provided a litany of the undemocratic things. I did not offer up rhetoric. I said to you, "Here are the bills and here is why." I think also, to be fair, I didn't say that we had all the answers and I didn't say it had to be our way and I didn't say there couldn't be any changes. What I did say was that there ought to be the same process we used before where you have honest, legitimate, fair negotiations and you try to reach all-party agreement. I acknowledge that there were some changes that our caucus was prepared to make, that we were prepared to listen to what the government had to say, listen to what our colleagues on the opposition benches had to say and try to find rules that would be fair.

Further to that, I also said let's pass the stuff that we all do agree on, and particularly the big-money item in this case, which is the permanent voters' list. We'll give you unanimous consent to do that in one day. All I said about the rest was let's take it out to the public. Somehow I'm totally wrong for having said let's move on the things we agree on, let's save the money on the things that we know should be done, and for the rest of it let's give the people of Ontario a say.

I didn't hear any of you defend why you won't do that. I didn't hear any of you say I was factually incorrect in terms of the presentation. I didn't hear any of you say that the things that I said were outside the commission's report were in fact inside that, because you can't. What I offered up was factually correct. In terms of the process, all I did on behalf of our colleagues was say that someone else needs to have a say in what the election rules are other than just Tories in this province.

**Mr Crozier:** On a point of order, Mr Speaker: I think before the next government speaker gets up they'll want to get their members in here to listen to him, and I wonder if we have a quorum.

**The Speaker:** Is there a quorum?

**Clerk Assistant:** A quorum is present, Speaker.

**The Speaker:** Further debate?

**Mr Toni Skarica (Wentworth North):** As a so-called renegade and rebel in this government, I think I can make some comments from a different perspective than anyone else in the House, and I intend to do so. I intend to do something that's somewhat unconventional. I'm going to talk about not what's in this act but what's not in the act.

The argument, as I understand it, from the opposition is that this bill is anti-democratic and that it's more evidence of bullying by the Mike Harris government. Maybe I

could just refer to some of their comments that were reported in the debates of Hansard.

For example, David Ramsay from Timiskaming indicated: "Maybe democracy today only exists one day every four years, that being an election day, when people can actually go out and vote for whomever they wish. They can toss out a government, they can bring one in, but then after that, governments tend to do what they wish to do during that four-year mandate." I've made similar comments myself.

He goes on to add these comments, which I don't agree with: The Tories "are bullying the Legislature again, bullying the two opposition parties, and writing up election law the way they see fit, to their own advantage. That is absolutely wrong." He then goes on with a statement I agree with. "While I am here to represent everyone here in my riding, and I do that to the best of my ability, I feel I have a special responsibility to stand up for those who cannot stand up for themselves."

The leader of the Liberal Party, Dalton McGuinty, indicated at the beginning of this debate, "You may not understand this but democracy is a fragile thing. It may be something that you take for granted on that side of the House, but it is not something that we take for granted on this side."

When I look at the bill and compare it to the election reforms in Ontario, I find that the bill does not contain this provision. There was a recommendation, and I quote from the recommendations: "The electoral law of Canada, and in effect every province except Newfoundland and Ontario, provides for political affiliation to be listed on the ballot.... Candidates would have to be certified by the party leader or his designated agent as being authorized by the political party." That provision does not appear in this legislation, and I think it gives you a good insight as to how democratic or undemocratic this government is, as to why that isn't in there.

Before I get to that, I'd like to talk about how this provision works. We've seen how it works with the federal Liberal Party. Just before the last election, Mr Chrétien used it for two reasons. One, he picked his own slate of candidates in a number of seats across the nation. As well, he denied a member who spoke out against the government, Mr Nunziata, from running for the federal Liberals. I suggest to you that that was a very undemocratic exercise of his power.

We have another recent example of how this provision works, which again is not in this legislation. If you wanted to be undemocratic, if you wanted to be bullying and if you wanted to be dictatorial, surely you would have put it in. We have a very recent example in the hepatitis C debate. We saw how 90% of the public in Ontario supported compensation for all victims of hepatitis C. Everyone in this House knew that. I knew that; my constituents had told me that. The members for the NDP knew that; their constituents had told them that. The members for the Liberal Party knew that as well, because their constituents had told them that.

Meanwhile, the federal Liberals, the same party as the provincial Liberals, who I assume have ears and can hear,



knew as well, many of them, that their constituents did not want the federal government to deny compensation for a vast number of hepatitis C victims. But what happened there? Mr Chrétien basically said, and it was a whipped vote, that they had to, that it was a confidence motion. So a number of Liberals who had publicly expressed that they did not want to deny anyone compensation voted the opposite way. They voted against their conscience. They voted against what their constituents wanted. Ultimately, they lost all credibility in the public eye. I have numerous articles here where they were called the "cowardly Liberal back bench." It was said that they were gelded. Personally, I don't want to be gelded; even Viagra won't help you in that situation. Chrétien was referred to as a "leader of lemmings."

Going back to what occurred here, I went through the Hansard very carefully and I noted that the Liberal leader, Mr McGuinty, criticized the government on this bill. He said it was bullying. He said it was undemocratic. He said we were buying the election and so on and so forth. But at no time did he have any concern with this section that has been used in a most anti-democratic way by his federal brother and leader. I can only assume from that that it was deliberate, that he wanted this power. It seems to me that this power, which is not in our legislation, is the most undemocratic suggestion in all of the recommendations. In fact, I suggest it is the only undemocratic provision, and it does not appear in the bill.

Why doesn't it appear in the bill? A number of caucus members on our side of the House, Conservative members, expressed concern, not because we didn't trust Mike Harris, not that we thought he was a dictator, but because we saw how this provision was being used in the federal forum. It forced members not to be able to vote their conscience. It forced members, even though they had said something completely different, to vote an opposite way within hours of publicly expressing what they really thought.

2020

What this provision does, and has been used for in the federal forum where it appears, is allow the leader to intimidate the members; it allows the leader to tell their members to vote against their conscience and what their constituents want. Ultimately, it defiles the entire democratic process. This provision has allowed Mr Chrétien, one man, to control how all the federal members, all the Liberal members, vote throughout the entire country, regardless of their conscience, their credibility or what their constituents demand.

There have been numerous comments, and I've heard them for days, regarding how undemocratic this bill is and how undemocratic our government is and all those types of things. I'm one of two members who has voted against the government. That would not be possible with the Chrétien Liberals. If that happened there, I am confident that those members would no longer be members of that party. I can tell you that before I voted against the one piece of legislation, there was no pressure put on me to do so. In fact, the only thing that was said to me by the House

leader was that he thanked me for letting the government know my intentions before the vote. There was no pressure put upon me, and I was allowed to vote my conscience and I was allowed to vote how I thought my constituents wanted me to.

This provision would severely hamper my right and other members' rights in this House to do that, and it's not there. It's simply not there, because a number of us expressed the desire, the feeling that we did not want this type of provision in Ontario legislation, because it would deny not only Conservative members but NDP members and Liberal members down the road the right to vote their conscience. It would truly allow the bullying we've seen from the federal government of their members to occur.

This was a situation where the government did listen, did not just do whatever they wanted. They listened to the members, we were consulted and the provision did not end up in the bill. I personally am very grateful for that, and I think it's a giant step towards democracy not only for our government but for the members of the opposition as well.

In the last minute that's accorded to me, I'd like to talk about buying the election. I've heard rumours in my riding that the powerful unions that oppose us — and they've not only opposed us, but they opposed the NDP and the Liberals before them when they were in power — are going to spend vast amounts of money to defeat us. I've heard \$25 million, I've heard \$50 million. Talk about corporate jets. I'm sure the teachers' unions have two available for loan to the Liberal Party for the next election. They have a mammoth surplus in their pension fund.

So, when you talk about rich individuals who are available to support political parties in the next election, I'm looking at the Liberals, and I'm seeing that kind of money and that kind of willingness to spend it against the government of the day. There are no limits with reference to not spending it.

In conclusion, I suggest —

**The Speaker:** Thank you. Questions and comments?

**Mr Conway:** I have three comments. First, I think the member makes a very powerful argument about the damage that has been done to many members of Parliament in the other place, in Ottawa, by virtue of what they said they were about and what they actually did when the vote came on the hepatitis C business. I think he's absolutely right. I think the long-term consequences of that whole debate will have more to do with the continuing debasement of the integrity of Parliament as an institution and many members in it.

Second, and again that's one of the reasons why I like these debates, I find interesting the point the member made — and he's not alone; there are several others who feel very strongly that a party leader ought not to have the right to sign a nomination paper. I'm one who has a concern. On the financing aspect of this, I know your concerns in this connection, Mr Speaker, and you're not alone. It's at least a bipartisan concern. I don't share it. I am one who is concerned about this kind of financing measure strengthening the power of the party leader and especially important when it comes to my particular

riding. There always has been a great deal of confusion, especially in regard to, for instance, North Dumfries, which is part of our federal riding but not part of our provincial riding. The individuals who live in that particular part of our country found this terribly confusing, and now, for the first time, since they do associate themselves with Cambridge, they will be voting for the same boundary and the same group both federally and provincially, and I think that is important.

When we attempted to pass that act, and did pass that act, we heard the argument which I can only construe as, "We don't want to work as hard as our federal brethren," or, "We're not capable of working as hard as our federal brethren." I can't accept either of those, but I understand it's the position of the opposition to oppose.

But now that we've increased those ridings and now that the boundaries have increased, it's obvious that, taken that there has been no increase since 1986, we have to catch up with inflation, number one, and we have to reflect the increased population of these boundaries. It just seems very natural that, accepting the federal boundaries, we would accept the federal formula of 96 cents per individual to fund elections in the future.

2030

**Mr Bartolucci:** I'd like to thank the member for Wentworth North for his very good address. Although I don't agree with everything he said in the address, I certainly appreciate his point of view. He is right that he is considered to be one of the renegade members on the Conservative side. I might say that he's a renegade member because, in my estimation, he has a brain, he has a sense of compassion about him and he certainly has a sense of fairness. Maybe that's why he has had to struggle with many of the decisions his government has made.

Because he is a person with compassion and a brain and a sense of fairness, I wonder, does he consider it a good way to introduce legislation, trying to sneak it in behind another major piece of legislation, doing so without a ministerial statement, sliding the legislation in without making any comment on it, hoping it will slip by?

When the Chair of Management Board is challenged by the opposition, he and the Premier run and hide until the House calms down. I don't know that that's the type of fairness the member for Wentworth North has shown us in the past. I think he would have trouble agreeing with the way the government has done this, with how the government has introduced this legislation and why the government won't bring the legislation on the road so that the people of Ontario, the people who are affected the most, the voters of Ontario, will have an opportunity for some input.

I suggest to you that the member for Wentworth North would have very little trouble supporting this in the final analysis if that sense of fairness which he's about was applied to the government and we took this on the road.

**The Speaker:** Response, member for Wentworth North.

**Mr Skarica:** I thank the members for their very kind comments. To the last comments about my not supporting

the bill, I can say candidly that I have no trouble supporting the bill. The only concern I had was in the recommendations in the section I alluded to, and that isn't in the legislation any longer.

One comment with reference to the comments of the member for Renfrew North is that if there are people running for a nomination who do not subscribe to the party philosophy and who are there to undermine or sabotage the party, whether it be this one or the Liberals or the NDP, that can be done by the party constitution. I just think that if it's in legislation, it is then very difficult to get it out. It legitimizes in law absolute power for the party leader, whether he be the Premier or the Leader of the Opposition or the leader of the third party.

I don't think it's desirable in the name of democracy to have that. When we have seen it used the way Mr Chrétien has used it, it's very disconcerting that it would be in law in Ontario. In fact, it's not there. I wasn't the only person who was concerned with it. A number of our backbenchers were very nervous about that provision, not only for our government to use it but for future governments going on into the future.

I want to thank everyone for their kind comments.

If I could just say one thing in closing, Mr Christopher thanked me. Numerous times in Hamilton he has made very kind comments to me and I find him a person of complete integrity, and I'd now like to officially —

**Mr Rosario Marchese (Fort York):** Is that the Speaker?

**Mr Skarica:** No, I'm talking about the member for Hamilton Centre. He's a person of complete integrity. I'd like to thank him for his comments.

**The Speaker:** He meant that about me as well, I'm sure.

Further debate?

**Mr Alex Cullen (Ottawa West):** I'm pleased to rise on this bill that we're debating tonight, these amendments to the Election Act and the Election Finances Act. I have to say from the very start that our party is opposed to this bill. I want to make that very clear from the outset, because listening to the remarks of the members opposite, they seem to say: "You're in favour of this; you're in favour of that. Why aren't you in favour of the bill?"

There are very good reasons to be opposed to this bill, not the least of which is the process by which it was brought into this House. As a matter of fact, it is an example of the complete disrespect the government has for due process in this House. Not only are they aware and have participated in previous amendments to the election process on a party consensus basis — and I know the members opposite are going to say, "You agreed to this; you agreed to that." We don't agree with this bill. Let's make it clear.

There are some things we would agree to in terms of electoral reform. The members opposite say, "After so many years, it's time for electoral reform." If that is so, with the change in the ridings, let us sit down as reasonable people and discuss the kind of reasonable changes that all of us can agree on. But this government has no



respect for consensus-building. Instead, it comes into the House, there's no ministerial statement whatsoever and the minister is not participating in the debate tonight, because he knows, as the members opposite know, that the document they've come forward with is crass political opportunism and that there is no hope for consensus around such a change as that.

The Commission on Election Finances just released its 23rd annual report, for 1997. I think there's a small lesson to be learned from the statistics they have here as a result of last year's latest venture into politics, into the election process. Of course I'm speaking of the by-elections that were held last year. Last year in the riding of Ottawa West, which I now represent, the spending limit for Ottawa West was \$45,175. That was for a riding that had a population of 77,000 people and about 45,000-plus voters. So the spending limit was around \$45,000.

I have to tell you that the person who spent the most money did not win. My Tory opponent spent some \$44,000. These are expenses subject to the limit. In reality he spent \$54,000, but we exempt some small expenditures because we say it does not count towards electioneering. In the bill that we have before us tonight, we have expenditures that will surely count, that any reasonable person would say would form part of the election process, and other people have alluded to it before me. That is the cost of polling and the cost of travel. When you are bringing the media around to follow the campaign, you are surely trying to influence the campaign, trying to influence their reportage. The party that has the money and is able to spend that certainly is trying to take advantage of it. But no, this is not to be part of the spending process. But I digress.

In my campaign, I spent some \$27,000 and the NDP spent some \$12,700 in Ottawa West. On a per vote basis the winning margin for my campaign was about \$2.43 a vote, for the NDP \$4.94 on a losing cause, and for the Progressive Conservatives \$6.10. That's to underline the fact that even though they try to spend the most money, the issues of health care, education, downloading — there's a saying that says, "Nothing can stop the power of an idea whose time has come." But all of this can get masked if there is a concerted effort of using money to buy elections.

What will happen in the new riding of Ottawa West-Nepean? The new riding of Ottawa West-Nepean will have a population of about 107,000 people. We will have, if we use what happened in the federal election as our most recent mark, about 76,000 voters. Using today's formula, that would mean that the limit in terms of expenditures would be about \$62,000. Was that the limit in Ottawa West in the last federal election? No, it wasn't. The limit was some \$59,800. That was seen to be fair, reasonable, creating a level playing field. It was transparent; people understood the purpose of the exercise and supported it.

Don't forget that every dollar that someone contributes to a registered political party means there's less money coming in tax revenue to the public purse. Every time a candidate runs and spends that money to collect votes

there is a public subsidy. Incredibly, with the bill we have before us, we have a tax-and-spend government. It boggles the mind — a tax-and-spend government. This government is going to increase the contribution limits and therefore the tax credits for contributors, and therefore taxpayers will be subsidizing those folks who can write the big cheques to the party they like and at the same time will be contributing towards election subsidies to candidates. This government's actually going to raise those limits.

2040

I digress. The limits the federal government had for the same-size riding, Ottawa West-Nepean, was \$59,800. If we use today's provincial rules and simply expand it by the 30% that Ottawa West is expanding by, it would be \$62,000. But according to this government, the legislation they're proposing, the limit to be spent in Ottawa West-Nepean would be \$72,000; \$13,000 more than what the federal people deemed appropriate for the same riding for an election that was just held a few years ago.

It is amazing. In the course of two years, with inflation running at 2% or 3%, this government can say it is justifiable to increase spending for that community well above the rate of inflation, well above the increase in population, well above the size of the riding. It is simply wrong.

Why is this government doing it? It is straightforward. By exempting clearly political activity that would seek to further any party's electoral chances, they are tilting the playing field by increasing contributions to parties above and beyond inflation, which clearly requires more subsidy from the taxpayers. By increasing above and beyond the rate of inflation the subsidy candidates will receive from the public purse, they are imposing an additional cost on taxpayers, and it is to unlevel the playing field.

There is a very good reason why over the years — I have been a student of this game for many years — when we've been dealing with electoral reform there has been all-party consensus, because it has to be made clear that this is going to be an unbiased process, a level playing field, transparent.

The members opposite will stand up and say: "Your party supported this. Your party supported that. Your party supported the other." Our party is opposed to this bill because this bill is a package bill, and this government that presents it is not allowing this bill to go to committee, to hear from the taxpayers who are going to further subsidize this government's initiatives, to hear from the taxpayers whose money is going to be spent. Their money is going to be spent to buy their votes in a much shorter election campaign, where in my larger riding and your larger riding there are more people to meet and less time to do so, more issues to bring forward, and less opportunities for communities to organize themselves so we can have a full debate so that the taxpayers and voters can have a proper choice on election day. Oh no, this government is not interested in that.

Why is this government defying history here? Why is this government defying tradition here, a well-worn tradition that has served the taxpayers and voters of this

province so well? Why is this government hiding from taxpayers, from voters, by refusing to allow this to go through the committee process like any other bill? Why is the government so intent on tilting the playing field as it is doing so today with this bill? The answer quite simply is crass political opportunism.

Others on this side have talked about the Americanization of politics. Watch the American side of politics. The taxpayer, the voter does not like the political process being abused in the name of moneyed interests. The whole purpose of the exercise is to make it transparent and a level playing field.

This government by showing disrespect to process, lack of consensus, no ministerial statement, no participation, not sending it to the committee, having limits way ahead of the federal rules that supposedly we're supposed to be operating under, because these are now federal ridings —

**The Speaker:** Questions and comments?

**Mr Marchese:** I want to talk very briefly about the government malfeasance as it relates to Bill 36 and say that we agree with the member for Ottawa West because we have similar kinds of thoughts as we oppose this bill.

I want to draw on a particular analogy that those who watch soccer will understand. I watched the game today between Italy and Cameroon. The Italians won 3-0. It was a good game. But I want to draw on the analogy as a way of making this discussion a little clearer to those who are watching on this program, and by the way we're on live; it's not a repeat program.

In soccer, as indeed in most other games, we have a referee. As most people would know, there's a referee to make sure that when there is a foul play, the referee is there to call the foul. You've got two sides and by and large it's a fair game. Every now and then you have one side tripping somebody and you've got the referee there saying, "Oh, it's a trip." You call the foul and the game is stopped and of course the team that was the victim of the foul gets to shoot a free kick and it goes to the other side. The point of that game is that it's a fair one.

We've got a referee. The Speaker is a referee in this place, but we don't have a referee when the government decides on its own to bring in a bill when there's no one who can say, "Hold on here, there's a foul play." What the government has done in this instance is to say: "The referee's on our side. We set the rules and, by the way, we hire the referee and the referee in this case is Mike Harris." They are rules set by the government and we, in trying to oppose it, are saying to the people watching, "Something is wrong with this bill." We need the audience to realize the malfeasance of this bill and we urge the people of Ontario to fight back.

**Mr Ernie Hardeman (Oxford):** It's a pleasure to rise and put a few comments on the record on the presentation made by the member for Ottawa West.

First of all, not just to the member for Ottawa West but generally to the comments that have been made by the members of the opposition and the third party as they relate to the democracy of this bill, as a member of the Legislature I find it somewhat interesting that they would

use that comment. It seems they're putting forward the analysis that a bill that does not have all-party agreement before it arrives here for first reading is somehow undemocratic. I was led to believe that, as we are in this place, the discussion and the debate here in the Legislature is the part that matters and is where we would put forward our position, not in preparing the bill behind closed doors.

I would have some concern if this type of bill did have all-party support coming into the Legislature and there would be no debate in this Legislature. We might have 130 members in the Legislature agreeing with this bill, but the people of Ontario would have no idea what was in the bill. I think it's very appropriate that we have this debate before the Legislature so the people in Ontario will understand what the bill says and what it will do for the election process.

I quickly want to point out a part in the newspaper, in the Friday editorial in the Peterborough Examiner, "Dismiss the opposition claims that the new election rules in Ontario will unfairly favour the ruling Tories, especially when what we're seeing are two opposition political currently bereft of any credible policies and led by two individuals who have yet to be seen as preferable alternatives to Premier Harris." I think that has maybe more to do with what is happening here than their democratic rights.

**The Speaker:** Questions and comments? The member for Renfrew North.

**Mr Crozier:** Who said that, Conrad Black?

**Mr Conway:** The question my friend has asked is a good one. Does Conrad Black own the Examiner? I think he does.

*Interjections.*

**Mr Conway:** If he doesn't, he owns most of them.

*Interjection.*

**Mr Conway:** Listen, Mr Black has a view and he also wrote a book. One of his idols in politics is Maurice Duplessis, "I seen my opportunities and I took 'em." In the Duplessis world of politics, you don't even need to pay the members.

I want to simply make this point again. The member for Ottawa West tells a very interesting story about his campaign last time in Ottawa West, and he makes a point that I think is an important one, the expenditure of money does not necessarily guarantee the result.

But I've been here all night and I've listened to most of this debate and I want to say to my friends the government members, smart, good people all, that Mr Christopherson made a compelling case here tonight. I'm not on the committee that he was on and I listened carefully to what he said. Before this debate is over, I would like somebody to make the counterargument about the differences between this bill and that which was being suggested by various of the external committees, whether it was the committee on election expenses or — the various committees.

Christopherson made a compelling argument tonight, and I would just like to hear somebody make the counterargument. That's what debate's all about. And again,



since it is a matter of our integrity and since it's our honour and our reputation on the line, I would just to hear somebody counterpoint Christopherson's case because nobody has done it to date. People are reading from prepared materials that undoubtedly the central office has prepared or some fast-talking operative has authored, but the Christopherson case, will somebody respond to that?

**2050**

**Mr Martin:** I want to commend the member for Ottawa West for his presentation tonight and I want to focus just for a moment on one piece of it, that is, the issue of the lack of public consultation on this. But that's not inconsistent with so many pieces of legislation that have come before us here to take away democratic rights of the members of the House, of people out there to participate in a process that we over a number of years have developed by way of the political system that we have in place in Ontario, taking us down the road towards a more Americanized version of how we govern ourselves that is based almost totally now and primarily on money, as our leader has said on so many occasions lately, where a person's worth is directly related to how much money he has in his back pocket, how much money he has in his bank account.

Now, through this piece of legislation, without any public consultation, we're heading in a direction of whoever has the most money in their war chest when the election is called has the best chance of winning the election because of the way that elections happen now. With the diminishing of the time allowed for campaigns to unfold and to happen, you take us even further down that road. Where before a party like the New Democratic Party went door to door and knocked on people's doors and talked to people about what they thought was appropriate and right, we will no longer have that kind of time. You'll have to buy air time on radio or TV, and anybody who has done that in the last little while will know how expensive that is.

This is taking us ever so quickly down a road that will match what we do in Ontario in many ways to the American model without any public consultation. I agree with the member for Ottawa West when he says that's not the right way to go, it's not the right thing to be doing.

**The Speaker:** Response. Member for Ottawa West.

**Mr Cullen:** I'd like to thank the members for Fork York, Oxford, Renfrew North and Sault Ste Marie for their comments. I want to respond specifically to some of the comments raised by the member for Oxford, who is, as you know, a member from the government side. He spoke about the issue of democracy and how the expectation came about that there should be all-party support for any reforms or any bill that comes in here. Quite frankly, that's the whole point.

When we have bills come in here, it's through the test of debate that we try to perfect the bill. In this instance here, we're dealing with something that affects the whole playing field; not simply a policy that the government is putting forward, but the whole playing field upon which we base the democratic process from which governments are to be chosen. Quite frankly, when we're dealing with

that it behooves us to have all-party consensus so that the public can rest assured that indeed it is a fair process by which they choose the representatives to come here and make the best decisions possible.

I would say to the members opposite that by denying due process here, by denying that this goes through a committee process, by denying the opportunity to build consensus — because there were elements in the various reports that came forward either from the chief election officer or from the election finances commission that there could have been, would have been, all-party consent. We could have had progress. But when the members opposite deny that, then — I hate to tell you this. The public out there already looks at politicians with very jaundiced eyes and when they see politicians taking the crass opportunity to further their interests by ramming through legislation like this, it's not good for the democratic process.

The kind of limits that are being talked about here, how can we justify in Ottawa West going from a limit of \$45,000 to \$72,000 in the space of two years? It is nonsense. People are refusing —

**The Speaker:** Further debate?

**Ms Lankin:** I'm glad to have an opportunity to speak to this bill. There's only 10 minutes on the clock so I will narrow my comments to about three or four points, although there are many others that I would like to have an opportunity to address. I want to ask the government members, please, to respond to these two or three points. I really want to know your answer to these questions.

The first area of concern I have is the provision of the bill that increases spending on what's called the central campaign. That's not the local riding campaigns. It's the central party campaign, which includes the leaders' tour — the leaders travel the province — and your television advertising for the central party and the leader, those sorts of things.

The election finances commission did not recommend any increase in the central campaign. I say to the members opposite, currently you can spend around \$2.7 million. Why is that not enough? Please explain to me why \$2.7 million is not enough to run a central campaign in this province. Your proposal, not supported by the election finances commission, increases that amount by about \$1.3 million.

We'll now have an opportunity to spend up to about \$4 million on a central campaign, in a campaign, by the way, that you've decreased down to four weeks, to 28 days, and you want to have \$4 million. Please explain that to me. I do not understand that. I do not understand why that kind of money is necessary, why the taxpayers should condone that kind of money. I think it opens you to the allegations that are being made about big-money influence, being able to buy campaigns. Please, just answer why you support moving to \$4 million.

The second question I have is, within that \$4 million — it used to be \$2.7 million — you used to include things like the costs of polling and things like the —

**The Speaker:** Hold on. There are a lot of meetings taking place, and I think it's important that we listen to the

members who are debating. If you're going to meet, if you could go out into the lobbies I would appreciate it.

*Interjection.*

**The Speaker:** Thank you very much, member for Durham East, for your help.

**Ms Lankin:** I hope the parliamentary assistant heard the first question with respect to the central campaign.

The second question I have is, are the proposals for you to exempt items like polling and travel in particular from that ceiling for the central campaign? That was also not a recommendation of the election finances commission.

I want you to explain to me why you want to exempt that travel. Remember that I've just finished outlining that you've increased the central campaign ceiling from \$2.7 million up to \$4 million, and now you want to take out and not count against that ceiling the travel and the polling. What does that mean in practical circumstances then? It means that in terms of travel you can spend anything that you can raise the money to spend. That means in a 28-day campaign, which is another recommendation that wasn't made by the commission that you're implementing, you can move, if you have the money, the leaders' tour around absolutely everywhere in the province much quicker if you have the money to do that. But you've taken that outside of the ceiling.

What I really want to know is why you would do that, because the practical effect of that is therefore there's probably another \$500,000 or so that used to be spent on travel in central campaigns that no longer has to be counted. So you've added \$1.3 million. You've exempted \$500,000 or so for travel plus another couple of hundred thousand for polling that used to be spent. That's all outside now. What it means is you have additional to previous campaigns about \$2 million to spend on buying advertising in this province in the next campaign.

I believe the reason you are doing this is that I've heard from many of your members that you're concerned about third parties having money to buy third-party advertising. I don't agree personally with third-party advertising. I'd like to see tighter restrictions on that. Let's talk about that. Let's talk about how we can ensure, whether it is the teachers' organizations you're concerned about or the National Citizens' Coalition, and I've seen some of the garbage they've put out in previous elections, or Fair Rental Ontario or whoever gets involved — let's talk about whether that's appropriate, not whether you increase the ceiling so that you can spend another \$2 million on advertising campaigns.

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Understand that not all political parties have the ability to compete with that kind of money. I hear the member talk about that the Liberals are the wealthiest party. I'm not defending what they can or can't spend. I'm saying that all three political parties do not have equal support from corporate Ontario, nor do they want it. This is wrong. This has not been recommended by the commission. There is no rationale that I think you can put forward that explains why there should be such a massive increase in the amount that's being spent on the central campaign:

another \$1.3 million to the ceiling, and by taking out polling and travel, another \$2 million that you'll be able to spend on advertising in the next campaign. That, my friends, opens you to the kinds of allegations that are being made.

The member for Oxford talked about the process and said that he thinks this is where the debate takes place. He thinks this is where the democratic process is, that it would be wrong if there were a three-party agreement, that it wouldn't allow the public in. What a very bizarre statement, given the intentions of the government with respect to this bill. We have been told that you intend to move a time allocation motion, which would not allow for any committee hearings. We've been told no committee hearings; we've been told that you intend to move a time allocation motion which closes debate and which will not allow for Committee of the whole. What that means, my friends, is that you have told us you will not allow us to put forward any amendments to this bill. So I say to the member for Oxford, defend how that is a democratic process with respect to this bill.

The three concerns I have raised here, which were not part of the commission's recommendations, which I ask you to give me a rational answer for, are things I want to put forward as amendments. I want to have an opportunity to debate an amendment in this House. I want to make the case about why the amendment I would put forward would provide for a more balanced, fair and democratic Election Act in this province. I want you to tell me why you are denying my right to put forward an amendment to this bill. That, Mr Parliamentary Assistant, is my fourth question. Why are you denying me the right to put forward an amendment to this bill and have that amendment debated and voted on by the members of this House?

In all of the debates so far, none of you have spoken to these key issues. You have all raised points on which there is probably three-party agreement. I'm tired of that because that is not debate. That is platitudes; that is ducking the issue; that is obfuscation. There are a number of matters within this bill on which you could find three-party agreement, but that's not what the government is interested in. If they were, we would have that debate. In fact, we would listen to the committee of the whole and you would find that there would be all-party votes on certain sections of the bill where we agree, and we would have an opportunity to deal with some amendments in other sections where there is great controversy.

There is nothing, I think, you could tell me that would convince me that we need to move from \$2.7 million in spending in central campaigns to \$4 million in this province as well as exempting huge amounts of expenditure activity like travel of the leader and polling, so that you have more money to spend on advertising. If your real problem is third-party advertising, it is a difficult issue to deal with, given constitutional guarantees. Let's sit down and talk about how we do that. There we could find some agreement. There I would be interested in working with the government. But for you to use that as an excuse to increase the amount of spending that you can do on



advertising by \$2 million, to increase the amount of spending on your central campaign from \$2.7 million to \$4 million, to do all that in what now could become a minimum 28-day campaign and not once to have answered the question in this House as to how you defend that, when not one of those things was recommended by the commission, and then to say I don't have a right to put forward an amendment to be debated in this House — how can you expect anything else but to be accused of being anti-democratic? It is shameful.

**The Speaker:** Questions and comments?

**Mr O'Toole:** Respectfully, it's always a privilege to respond to the member for Beaches-Woodbine. She makes some very succinct arguments. To digress for a moment, I want to refer to the member for Renfrew North, who earlier made the comment that the member for Hamilton Centre made the most consistent argument. I take odds with that, and I do so for one reason. He tried to make the point — I have to say to the member for Beaches-Woodbine, you were a member of the cabinet of the government of the day when they brought in the social contract, one of the most powerful members. I would say if she was the leader of the third party today, there probably would be some significant dynamic changes in this province. She's not hamfisted. I respect the many things she does.

I have to draw to the members' attention here — it's important. I failed to get on the record and I want to repeat for the record that in the annual revenue statement that I'm looking at, the official document, average contributions individually — this is really filing the annual 1996 statements. I know it's all “blah, blah, blah” to you; you've been there, done that. The average individual contribution for the Liberal Party is \$169 dollars; for the NDP the average individual contribution is \$81; and for the Progressive Conservative Party — these are average Ontarians — \$121.

Trade union contributions to the Liberals were \$409. That's the average contribution, dues checkoff, whatever. For the NDP it was \$763. Almost every person carrying a union membership card — and, respectfully, they have a right to do that. For our party — listen up here — there wasn't one cent.

I'll tell you, the corporation donations are the most significant —

**The Speaker:** Thank you.

**Mr Curling:** It's passing strange that the member did not respond to the member for Beaches-Woodbine, who put the question very eloquently and asked about due process, the democratic process being circumvented, and somehow the denial of giving every one of us participation in the political process of proper debate. I'm sure there will be no answers coming from the government side to the questions put forward by the member.

As you rightly said, the member is one of the most respected individuals in the House in debates. In putting those questions forward, you have denied that aspect of debate.

In Scarborough North, where I am, every Friday I go to the schools and talk about how laws are passed. Basically,

I try to tell the students that there is a due process of debate. When I actually saw what the minister had done here, without any sort of introductory process to the bill — it tells us the arrogance of this government. Even with that, it tells us that there are no apologies whatsoever, and says, “We will ram this thing through.”

I want to say to the members here, as the member for Beaches-Woodbine stated so well, that if we could discuss the things that are so important to us, giving time for us to debate it properly, making sure that not only we in Parliament have an opportunity to respond to those issues but the people in the province who will be participating in this process are given an opportunity — denial of this is a basic denial of the democratic process. I hope you'll come to your senses and make that process pursue its normal course.

**Mr Martin:** I want to say to the people out there and to the members across the way that they would do themselves well to listen to the member for Beaches-Woodbine, who spoke here tonight on this bill, because this bill strikes at the very heart of the work she has done for a number of years now, not only as a member of this Legislature but as somebody who has been actively involved in the political process in her community and in the province over a long period of time. She knows, as she looks at this and compares some of it to what's happening in some American jurisdictions where politics now has become somewhat of a joke on one side and very seriously challenged on another side, that is not where we want to go in this province.

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Any of you who have serious concerns, who are really interested in politics, where the people of a jurisdiction have a real say in who governs them and in the kinds of things they put in place by way of the laws, regulations and rules that we all have to learn to live by so that everybody can participate in a serious and significant way, will want to listen to the member who just spoke because of some of the things she points to in this bill, such as the increase in the amount of money you can spend, those things that no longer fall within the category of what needs to be reported. What that does by way of changing the very nature and flavour of how elections are run takes away from that very personal knocking on doors, speaking to people, town hall meetings, and turns an election into basically a media-driven, TV-radio thing where money is the operative and I think does a real disservice to the democracy we've come to know, and we'll all live to regret it.

**Mr Gilchrist:** It is indeed a pleasure to respond to the comments from the member for Beaches-Woodbine, and I will of course not refer to her by name. I'm sure earlier today was a momentary lapse, after all the years in this chamber, that she would repeatedly do that during one of her questions. I'll stick to the topic here tonight, tempting as it is to digress.

She spoke in her comments about certain changes, and there's no doubt that anybody watching tonight would be left with the impression, from her comments, that some-

how research and polling are some new initiative to allow the various parties to spend whatever they see fit on that aspect of a campaign. Let me draw to her attention that it was only in the 1995 election that the commission made a ruling that polling was included. In fact, since then they have realized the error of their ways and have flip-flopped and have gone back to the policy that has always existed, that, and I quote, "No expenses will be included that do not reflect expenses that directly promote or help in the election of a candidate." Let me draw to your attention that the Liberals in the last election spent five times as much as the Conservatives on polling, so I think it's safe to say that does not determine the outcome of an election, or we would see a very different composition in this House.

More important in your comments again, and it's the same old spin: As long as it's something you don't agree with, it's undemocratic, ignoring the fact that the people of Ontario had a chance in the election of June 8, 1995, to express their views on the direction they wanted Ontario to take. They elected democratically the government that is sitting in this chamber today. We have the right under our system of government to continue to make the legislative changes that are necessary to reflect changing times. For you to suggest that there's not democracy because you don't agree with something is utterly arrogant.

**The Speaker:** Response, member for Beaches-Woodbine.

**Ms Lankin:** I want to begin by saying that I am extremely disappointed that the parliamentary assistant did not respond to the questions I put forward. I asked very specifically if he was listening to the questions, I asked for a response on those key points, and none of the government members responded to those issues. In fact, the parliamentary assistant sat there and didn't respond and I'm really disappointed.

Let me say to the members for Durham East, Scarborough North and Sault Ste Marie that I appreciate their comments very much. I think they were constructive. While I may disagree with them on some points and agree with them on others, that is part of a constructive give and take.

Let me say to the member for Scarborough East that I resent his implications tremendously. I believe that the comments I made tonight were the furthest thing from spin. I asked questions with respect to particular items that were not recommended by the commission. In fact, his concentration on the issue of polling shows how warped the response was, given that it was a matter that I just referred to in passing and that the main consideration was the exemption of travel from the ceiling in an expenditure ceiling which is already being increased by \$1.3 million, from \$2.7 million to \$4 million. I asked why that was necessary. Not one of you has been able to respond to that question, because you know there isn't a legitimate response. My friends, there is not a legitimate response. It is your paranoia about third-party advertising, your attempt to compete with that with big corporation money, and unfortunately, you have skewed the balance of democracy in Ontario by doing so.

My point, to the member for Scarborough East, on the democratic process is that we have been told that you will not even allow us to put an amendment forward. Whether I disagree with you or I agree with you, I should have the ability to vote on sections and put forward amendments, and you are denying —

**The Speaker:** Thank you, member for Beaches-Woodbine. Further debate?

**Mr Tim Hudak (Niagara South):** I am pleased to rise and participate in the debate on Bill 36 this evening, the act to amend the Election Act and the Election Finances Act.

I believe Bill 36 is part of a package of changes to modernize the way that elections are run in the province. First of all, one of our prime campaign commitments was to reduce the number of MPPs. It stood to reason. I think it was a fair argument.

**Mr O'Toole:** Bill 81.

**Mr Hudak:** Bill 81, the member for Durham East says.

If we were asking the public service and we were asking our municipal partners, our partners across the public sector, to do more with less, it made sense to ask the politicians to do the same thing, which has meant that we are reducing the number of politicians by some 20%, from 130 ridings down to 103. This means we are matching the boundaries of our federal members, so next time around I will have the pleasure of contesting areas like Lincoln, West Lincoln and Dunnville, beautiful areas in Niagara and Haldimand, and I look forward to that.

As part of that, it makes sense to modernize the way elections are run in this province. One item that has been in a bit of contention tonight is the 28-day election period. I would argue that in this modern age, it's much easier to communicate one's message across the riding and across the province than it was decades or even years ago, with advances in technology. I remember knocking on doors, going to debates and such, and there wasn't that attention, I guess, to the election in the early days after the writ had been dropped. It didn't seem until even halfway through that period that people keyed in on the issues and were asking the questions about where the party stood on policies and you saw some changes in the issues and in terms of the polling numbers.

The 28-day campaign makes a tremendous amount of sense, in my opinion. In fact, I think if you look at the rest of the provinces, this is consistent with the majority of the rest of the provinces in this great country. I think a 28-day campaign makes a heck of a lot of sense, and again, I think if you ask the vast majority of voters, they will agree 100% with a 28-day campaign.

There has been some debate over the ability to spend money as a party as a whole. The 60 cents per person would be the party spending limit. There is this heightened rhetoric, this hyperbole from across the floor, that somehow this is American-style politics, the fact that the party can spend 60 cents per voter across the province. That's not American-style politics at all. When you're talking about hundreds of millions of dollars spent on



American campaigns, \$40 million spent by one candidate alone in the Democratic primary for the Senate, and governor seats as well in those primaries in California into the double digits of millions of dollars, that's American-style politics. But 60 cents per voter? Come on. Let's be fair and let's be realistic, as my friend from Huron says.

How does that compare with the rest of the provinces? Maybe this is trying to capture headlines that it's American-style politics and it's going to be another Clinton-versus-Dole campaign in Ontario. Again, let's be serious. What are they doing in the rest of the provinces? If you look and you compare Ontario's package, the amount that you can spend either in the riding or across the country, those kinds of limits, I would argue that we have by far one of the most modest packages, if not the most modest, across Canada, one of the most restrictive amounts of spending.

I spoke about the 60 cents per voter, which is less than all but two jurisdictions in Canada. We're a bit more than Nova Scotia. We're close to Quebec. When you compare that 60 cents to six bucks per elector in PEI — I don't hear the accusation that Prince Edward Island has American-style of politics. Maybe we are moving to the Prince Edward Island style politics in Ontario. Maybe that's the next spin that the opposition will come up with, or even Manitoba-style politics, where it's 80 cents per elector.

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I haven't heard a lot of voters in my riding say, "Please do not go to Manitoba-style politics," but that doesn't catch on with the media or accomplish the same kind of scaremongering that I think the opposition members want to drum up, so they have this whole American-style politics. That's not even close to being the truth, not close at all.

It's the same thing in terms of the limits that we can spend in our own ridings. As I said, my riding, currently Niagara South, will become Erie-Lincoln, and I will have the pleasure of running in the Lincoln, West Lincoln and Dunnville areas. Certainly, if I were an American-style politician, I would be raising millions of dollars right now. I think the extent of what I can spend in the campaign is not \$10 million or \$1 million or even what they would spend in Manitoba-style politics. It is a total per voter of 96 cents, not even a buck an eligible voter, which again is less than all but one of the provinces. Is it consistent with Canada? Alberta has no limits, Manitoba is \$1.25 to start out with, about \$2 in New Brunswick, \$3 per elector in Newfoundland — and my God, if there's one thing we don't want, it's Newfoundland-style politics in the province of Ontario.

I think we should pin the tail on the appropriate donkeys here. This is all about rhetoric. It's all about raising the hyperbole in the House. The Peterborough Examiner has pinned the tail on the donkey. In the June 12 editorial the Peterborough Examiner dismissed opposition claims that new election rules in Ontario will unfairly favour the ruling Tories: "Essentially what we're seeing are two opposition political parties, currently bereft of any

credible policies and led by two individuals who have yet to be seen as preferable alternatives to Harris."

I think that is what is at the root of the matter, and I certainly would not be surprised to see in the upcoming campaign, when you look at where the Liberals seem to be heading, a party always shy at the provincial level of embracing any kind of policies — they don't want to offend anybody. "We'll try to be half of this and half of that, and maybe that way we'll appeal to all the voters and try to fool them by telling them what they want to hear." My anticipation is that Dalton McGuinty, the leader of the opposition party —

**Mr O'Toole:** Who is he?

**Mr Hudak:** Dalton McGuinty, I understand, is the leader.

That's what most voters are saying. So what is he going to try to do? I think he's going to try to copy off the image of the strong and effective leader that we have in Mike Harris, and I think he's going to try to be Mike-Harris-like. That's what I think he's going to be.

I anticipate a lot of the money of the 60 cents per voter the Liberal is going to have is going to be spent on really hard-hitting, negative advertising to try to put the Premier's picture in a bad light or a bad shade across his face, to try to make him look like a bad guy, and Dalton McGuinty, without any policies, without any ideas, without any notion for change, will try to look good in contrast.

**Mr Crozier:** If he changes one iota like Mike Harris, I'm out of here.

**Mr Hudak:** Maybe that's why the member from Essex did not in fact support Mr McGuinty at the beginning of the race. Maybe he will choose to leave the party; I'm not sure. But if he did choose to leave that party and come over here, he had better get some principles and some good policies, and then he would be welcomed on this side of the House.

So I expect negative advertising. I think when the opposition talks about American-style politics, what they really mean is distortion and sensationalism. I think we have seen that demonstrated in the House recently by the opposition party.

I'll give you an example. The member for Oakwood walked around the House the other day with a sign that said "For Sale" on it, trying to intimate that Ontario was for sale. Either that or he's going to sell his home in Oakwood and move into the Castrilli-Kwinter battle. Perhaps he sees that as an opportunity as well. Then they held up the American flag behind the leader to try to again portray this chimera of American-style politics.

I don't think this cheap gimmickry is going to catch on. I don't think this kind of sensationalism and distortion is going to work with Ontario voters when they compare the messages they hear, no matter how much is spent. I don't think we're going to go to Manitoba-style politics or Newfoundland-style politics. They're going to look at who has the best record, who has cut taxes, who has cut red tape, who has made sure that tax dollars go to important services like front-line health care and textbooks for

classrooms, and who has created the kind of environment in this province to help create jobs; in the three years here, 341,000 net new jobs. That record on its own speaks more than the Liberal money, more than distortions they're going to make, and I think a re-election is imminent.

**The Speaker:** Questions and comments?

**Mr Curling:** The member for Niagara South has a speculative way of speaking. Let me put some questions to you and maybe you could answer them.

I want to know, why didn't the minister make an opening statement on the introduction of the bill? He didn't. I presume he doesn't want any kind of a debate. I would ask you, will your government allow amendments to the bill as we debate it? Will your government allow public hearings so that the people of the province can participate in a democratic way in order to put their input in this very democratic party that you speak about?

You all seem to have one type of script, one script that they handed to you in caucus and said, "Read from that script." You all sound the same. Sometimes my friend from Scarborough East, who doesn't make much sense anyhow, is making his little comments that, "We will deal with them at election time."

I just want to know, will you allow the opposition to make amendments to your bill? I would like very much that you who speak about this democratic process, you who speak about the time for us to debate in this House, allow that. Because of the arrogance that we see here, I would bet that this will not happen, but I want to be proven wrong. I want to be proven wrong, that now that you're putting this process in place you will allow us to do that.

If you don't allow us to do that, will you allow the public to have an opportunity to come before you to ask those questions so you can be accountable for the way in which you're behaving now? Then we'll prove how democratic you are. When the election comes, whether it's 28 days or 38 days, it really doesn't matter, because that day at the polls, they'll make a decision according to how you have behaved in this very undemocratic manner.

**Mr Martin:** I want to say that I agree with the member for Scarborough North in the points that he makes, and say to the member for Niagara South that the most disappointing part of his presentation, other than the presentation he made, is the fact that he sounds like he believes it. He actually has been himself hoodwinked into believing that there is something good and valuable about this piece of legislation as it is presented and that it will somehow enhance the democratic process in this province.

For him for a second to suggest that this is not about money is to deny that everything you've done so far in your three years is about money. That's exactly what it's been about. It's about money. It's about taking money out, it's about giving money to the rich, it's about balancing social commitments with financial commitments and always coming down on the side of financial commitments. It's about destroying communities. It's about taking away from Ontario all that we together have built up over such a long period of time and that is valuable, under the

aegis of being democratic, of involving people, of including people.

I suggest, as the member for Scarborough North has said, if you have no difficulty with this, if you think this is so good for the people, why aren't you willing to take the time necessary to take it out for public consultation so that at the end of the day some amendments could be made so that it does present and in the end turn out to be something that is valuable and enhancing and evolutionary when it comes to the way we do politics and democracy in this province?

I suggest to you, as I've said here tonight earlier on, this is taking us down a road towards American-style politics, where money talks, where the party that can afford the most TV and radio time has the most impact on people. That's sad.

**Mr Bill Grimmett (Muskoka-Georgian Bay):** It certainly is a pleasure to provide comments, first of all, and then questions to the member for Niagara South. I want to address the issue of American-style politics, which the member is an expert on. Not only did he patrol the Canadian-American border for some years, but he also spent some time in the United States studying American politics. His comments on the American-style politics were very good.

Earlier in the debate, we heard from members such as the member for Renfrew North that our speeches were prepared by the whiz kids, but I have to say it was impossible for the speech given by the member for Niagara South to have been prepared by a whiz kid, because it was far too witty and far too humorous. The idea especially of Newfoundland-style politics in Ontario was certainly scandalous.

I have a question. What was the word, member for Niagara South, that you used about the flag being waved behind the opposition leader? That's where I'll leave it.

**Mr Crozier:** I want to speak directly to the comments from the member for Niagara South. He seemed to say offhandedly, "Well, what's 60 cents a person?" or "What's 96 cents a person?" What he didn't tell the people of Ontario is that the minister has said this bill is going to save money. It's going to save about \$15 million, I think the minister said. Well, the people of Ontario pay part of every penny that's contributed to your party, my party or that party. So this election is actually going to cost in increased expense allowances, just those that are under the cap, a possible \$50 million. The people of Ontario are going to contribute to that, because it's tax deductible.

The member for Beaches-Woodbine talked about those expenses that are outside the cap. But still, for those who contribute that money to the party or to the local association, it's tax-deductible.

The lid is absolutely off. There's absolutely no control this government has by increasing all these limits on the amount of money it's going to cost the taxpayer of Ontario, because every dollar contributed has at least a tax deductible portion. So just to dismiss it as a mere 60 cents or a mere 96 cents — I want you to also tell the



people of Ontario how much they pay, how much they pay back to you in your campaign and how much they pay back to me in my campaign, how that can cost them at least \$50 million in just that area alone.

**The Speaker:** The member for Niagara South has two minutes to respond.

**Mr Hudak:** I thank my colleagues for their comments. I hope I have belied the idea that this is American-style politics. Finally in the round, I didn't hear any jibes about American-style politics, because the reality is that Ontario's election finances laws will be among the most modest in Canada, no comparison to the states. The only person who brought up the American side of things was my colleague on this side of the House from Muskoka-Georgian Bay — and sometimes I wonder what side he's on in the debate.

There were a number of meetings, committees and such, recommending changes for some time. In these meetings, my understanding is that after a couple of the most recent, the Liberals came forward and said they would not support any changes whatsoever to the act

unless they had a veto right over everything. Here we have two thirds of the members of the House on this side, and a small number there wanted the veto right over all things.

I remember hearing a suggestion by the member for Windsor-Walkerville, Mr Duncan. He recommended the increase in spending limits. He said, "If the federal expense limits were high enough for the recent federal election campaign, why are they not high enough for Mike Harris?" That was Dwight Duncan's letter to the government House leader of March 19, 1998. I would say we have listened. They made their recommendation, and true to form, the Harris government is listening. When we hear a good idea, we make those changes.

At the end of the day, these rules make sense for voters. This is Ontario-style politics in Ontario, and those guilty of sensationalism and distortion are those members across the floor.

**The Speaker:** It now being just past 9:30 of the clock, this House stands adjourned till 10 o'clock tomorrow morning.

*The House adjourned at 2135.*

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